

# **California National Guard**



## **Technician Personnel Manual**

**ISSUED MARCH 2000**

# CALIFORNIA NATIONAL GUARD TECHNICIAN PERSONNEL MANUAL TABLE OF CONTENTS

CHAPTER NUMBER	TITLE	PARAGRAPH NUMBER	PAGE NUMBER
CHAPTER 1	<b>INTRODUCTION</b>		
	DIRECTORATE FOR HUMAN RESOURCES RESPONSIBILITIES.....	1-5	1
	SUPERVISOR'S RESPONSIBILITIES.....	1-6	2
CHAPTER 2	<b>POSITION CLASSIFICATION AND WORKFORCE MANAGEMENT</b>		
	POSITION CLASSIFICATION AND WORKFORCE MANAGEMENT.....	2-1	3
	AUTHORITY.....	2-2	3
	POSITION DESCRIPTION.....	2-3	4
	EXCEPTION POSITION DESCRIPTION.....	2-4	7
	AMENDMENTS TO POSITION DESCRIPTIONS.....	2-5	11
	STATEMENTS OF DIFFERENCE.....	2-6	11
	POSITION REVIEW (DESK AUDIT).....	2-7	12
	POSITION DESCRIPTION RELEASES.....	2-8	12
	POSITION DESCRIPTION CERTIFICATION	2-9	12
POSITION CONTROL, MANAGEMENT, AND REVIEW.....		2-10	13
	MANNING DOCUMENTS.....	2-11	13
EMPLOYMENT AUTHORIZATIONS (EAs)		2-12	14
CHAPTER 3	<b>EMPLOYMENT (PLACEMENT ACTIONS)</b>		
	INTRODUCTION.....	3-1	38
	EMPLOYMENT IN THE CALIFORNIA NATIONAL GUARD.....	3-2	38
	SECURITY CLEARANCES.....	3-3	38
	PROMOTION AND INTERNAL PLACEMENT.....	3-4	39
	EMPLOYMENT OF RELATIVES.....	3-5	40
	PERMANENT AND INDEFINITE APPOINTMENTS.....	3-6	40
	TECHNICIAN STATUS CHANGE.....	3-7	44
	APPOINTMENT/ASSIGNMENT OF TRAINEES.....	3-8	46
CHAPTER 4	<b>PAY</b>		
	INTRODUCTION.....	4-1	65
	GENERAL SCHEDULE (GS).....	4-2	65
	FEDERAL WAGE SYSTEM (FWS).....	4-3	66
	ACTIONS TO WITHHOLD A WITHIN GRADE INCREASE (WGI).....	4-4	66

	PARA	PAGE
SEVERANCE PAY ENTITLEMENT.....	4-5	68
ALLOTMENTS.....	4-6	69
PERMANENT CHANGE OF STATION (PCS) TRAVEL.....	4-7	69
UNPAID COMPENSATION.....	4-8	70
ENVIRONMENTAL DIFFERENTIAL PAY (EDP) AND HAZARDOUS DUTY PAY (HDP)	4-9	70
HOLIDAY PAY.....	4-10	70
GRADE AND PAY RETENTION.....	4-11	71
HIGHEST PREVIOUS RATE.....	4-12	72
SHIFT DIFFERENTIAL .....	4-13	73
SUPERVISORY DIFFERENTIAL.....	4-14	73
RECRUITING BONUS, RELOCATION BONUSES, AND RETENTION ALLOWANCE.....	4-15	74
ADVANCED IN-HIRING RATE BASED ON SUPERIOR QUALIFICATIONS.....	4-16	74
<b>CHAPTER 5      TECHNICIAN SERVICES AND BENEFITS</b>		
INTRODUCTION.....	5-1	93
FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB).....	5-2	93
FEDERAL EMPLOYEES GROUP LIFE INSURANCE (FEGLI).....	5-3	94
RETIREMENT.....	5-4	95
DEATH BENEFITS.....	5-5	101
THRIFT SAVINGS PLAN (TSP).....	5-6	103
FEDERAL EMPLOYEES' COMPENSATION ACT (FECA).....	5-7	105
MISCELLANEOUS.....	5-8	107
<b>CHAPTER 6      LEAVE AND OTHER ABSENCES</b>		
HOURS OF DUTY.....	6-1	112
HOLIDAYS.....	6-2	112
ANNUAL LEAVE.....	6-3	112
SICK LEAVE.....	6-4	113
ADVANCED SICK LEAVE.....	6-5	115
FAMILY AND MEDICAL LEAVE ACT OF 1993.....	6-6	116
LEAVE WITHOUT PAY (LWOP).....	6-7	116
COMPENSATORY TIME.....	6-8	117
ADMINISTRATIVE LEAVE.....	6-9	118
COURT LEAVE.....	6-10	119
MILITARY LEAVE.....	6-11	119
MILITARY LEAVE FOR CERTAIN DUTY OVERSEAS.....	6-12	120
MILITARY LEAVE TO ENFORCE THE LAW (LEL).....	6-13	121
TECHNICIANS ORDERED TO STATE ACTIVE DUTY (SAD) IN SUPPORT OF AN EMERGENCY.....	6-14	121

	PARA	PAGE
	ABSENCE WITHOUT LEAVE (AWOL).....	6-15 122
	LEAVE SHARING PROGRAM.....	6-16 122
CHAPTER 7	<b>DISCIPLINE AND ADVERSE ACTION</b>	
	GENERAL.....	7-1 133
	DISCIPLINE AND ADVERSE ACTION.....	7-2 133
	RESPONSIBILITY.....	7-3 134
	PENALTY SELECTION.....	7-4 134
	WRITTEN REPRIMAND.....	7-5 135
	TABLE OF PENALTIES.....	7-6 136
	ADVERSE ACTION – OTHER.....	7-7 136
	LOSS OF MILITARY MEMBERSHIP.....	7-8 136
	FAILURE TO MEET THE REQUIREMENTS OF THE POSITION.....	7-9 137
	FEDERAL RECOGNITION.....	7-10 137
	FAILURE TO ACCEPT A MANAGEMENT DIRECTED REASSIGNMENT.....	7-11 137
	FAILURE TO TRANSFER WITH FUNCTION..	7-12 137
	FURLOUGHS FOR 30 DAYS OR LESS (22 WORKDAYS).....	7-13 138
	TECHNICIANS GRIEVANCES.....	7-14 138
	LABOR RELATIONS ACTIVITIES.....	7-15 138
	STANDARDS OF CONDUCT.....	7-16 138
CHAPTER 8	<b>UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)</b>	
	INTRODUCTION.....	8-1 163
	BASIC ENTITLEMENT.....	8-2 163
	TIME LIMITS.....	8-3 164
	SERVICE CREDIT.....	8-4 164
	RETIREMENT CREDIT.....	8-5 164
	NATIONAL GUARD SERVICE CREDIT.....	8-6 165
	TECHNICIAN PROTECTIONS.....	8-7 165
	PAID MILITARY LEAVE.....	8-8 165
	LIFE AND HEALTH INSURANCE.....	8-9 165
	THRIFT SAVINGS PLAN (TSP).....	8-10 166
	REQUEST FOR PERSONNEL ACTION (SF 52).....	8-11 166
CHAPTER 9	<b>TRAINING</b>	
	TRAINING AND DEVELOPMENT.....	9-1 169
	RESPONSIBILITIES.....	9-2 169
	IDENTIFICATION OF TRAINING NEEDS.....	9-3 171
	TRAINING PROGRAMS.....	9-4 171
CHAPTER 10	<b>POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES</b>	
	CODE OF FEDERAL REGULATIONS.....	10-1 179
	SUBPART B – PERMITTED ACTIVITIES.....	10-2 179
	SUBPART II – PROHIBITED ACTIVITIES.....	10-3 184

	PARA	PAGE
CHAPTER 11	<b>EQUAL EMPLOYMENT OPPORTUNITY (EEO) - TECHNICIAN COMPLAINT SYSTEM</b>	
	GENERAL.....	11-1 188
	SEXUAL HARRASSMENT.....	11-2 188
	INDIVIDUAL DISCRIMINATION COMPLAINT (EEO) PROCESSING SYSTEM.....	11-3 189
	CLASS COMPLAINT PROCESSING SYSTEM.....	11-4 190
	TIME LINE FOR FILING A TECHNICIAN COMPLAINT.....	11-5 191
	SPECIAL EMPHASIS PROGRAM.....	11-6 191
	SPECIAL EMPHASIS PROGRAM MANAGERS (SEPM'S).....	11-7 192
	AUTHORIZED/ASSIGNED EEO OFFICE PERSONNEL AND EEO COUNSELORS.....	11-8 193
	GLOSSARY OF TERMS.....	11-9 195
CHAPTER 12	<b>LABOR-MANAGEMENT RELATIONS</b>	
	PURPOSE.....	12-1 197
	SCOPE.....	12-2 197
	POLICY.....	12-3 197
	RESPONSIBILITIES OF THE LABOR RELATIONS SPECIALIST (LRS).....	12-4 198
	ADDITIONAL RESPONSIBILITIES OF THE LABOR RELATIONS SPECIALIST.....	12-5 198
	TECHNICIANS' RIGHTS.....	12-6 199
	INFORMATION TO TECHNICIANS.....	12-7 199
	STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS.....	12-8 199
	CONSULTATION RIGHTS.....	12-9 199
	RESPONSIBILITIES OF LABOR AND MANAGEMENT.....	12-10 200
	CONSULTATION AND NEGOTIATION.....	12-11 201
	OFFICIAL TIME.....	12-12 201
	SCOPE OF CONSULTATION.....	12-13 201
	IMPASSE IN NEGOTIATIONS.....	12-14 202
	NEGOTIATION OF AGREEMENTS.....	12-15 202
	USE OF AGENCY FACILITIES.....	12-16 203
	INTERNAL BUSINESS OF TECHNICIAN ORGANIZATIONS.....	12-17 203
	UNFAIR LABOR PRACTICES.....	12-18 203
	DEFINITIONS.....	12-19 205

## ANNEXES

ANNEX A	<b>MERIT PLACEMENT PLAN FOR TECHNICIANS</b>	
	PURPOSE.....	A-1 212
	POLICY.....	A-2 212

	PARA	PAGE
SCOPE.....	A-3	212
MERIT PLACEMENT PLAN DEFINITIONS....	A-4	212
RESPONSIBILITIES.....	A-5	213
MANAGEMENT RIGHTS.....	A-6	214
NOMINATING OFFICERS.....	A-7	215
EXCEPTIONS TO COMPETITION.....	A-8	216
CALIFORNIA NATIONAL GUARD PLACEMENT PLAN FOR TECHNICIANS ENTITLED TO GRADE RETENTION.....	A-9	217
POSITION ANNOUNCEMENT AND APPLICATION PROCEDURES.....	A-10	218
TEMPORARY (NTE) AND INDEFINITE APPOINTMENTS.....	A-11	219
VACANCY ANNOUNCEMENTS.....	A-12	219
POSTING OF ANNOUNCEMENTS.....	A-13	220
AREA OF CONSIDERATION.....	A-14	220
PRIORITY CONSIDERATIONS.....	A-15	221
QUALIFICATION STANDARDS FOR COMPETITIVE/EXCEPTED SERVICE POSITIONS.....	A-16	221
APPLICATION PROCEDURES.....	A-17	221
TRAINEE AND UPWARD MOBILITY POSITIONS.....	A-18	223
TEMPORARY PROMOTIONS.....	A-19	224
EVALUATION PROCEDURES.....	A-20	224
CERTIFICATION AND SELECTION.....	A-21	226
PLACEMENT/PROMOTION RECORDS.....	A-22	228
<b>ANNEX B CALIFORNIA NATIONAL GUARD AGENCY GRIEVANCE PROCEDURE</b>		
GENERAL.....	B-1	230
DEFINITIONS.....	B-2	230
COVERAGE.....	B-3	231
PROCEDURES.....	B-4	231
HEARING EXAMINER.....	B-5	234
<b>ANNEX C REDUCTION-IN-FORCE (RIF)</b>		
INTRODUCTION.....	C-1	237
EQUAL EMPLOYMENT OPPORTUNITY POLICY.....	C-2	237
RESPONSIBILITIES.....	C-3	237
INFORMING THE WORKFORCE.....	C-4	238
MANAGEMENT OPTIONS.....	C-5	238
REDUCTION-IN-FORCE DEFINITIONS.....	C-6	241
MANDATORY REQUIREMENTS FOR REDUCTION-IN-FORCE.....	C-7	244
PLACEMENT EFFORTS.....	C-8	246
RECORDS AND FILES.....	C-9	247
TRANSFER OF FUNCTION.....	C-10	248
TYPES OF TRANSFERS.....	C-11	248

	PARA	PAGE
PERSONNEL MANAGEMENT		
IMPLICATIONS OF TRANSFER OF		
FUNCTION.....	C-12	248
APPEALS AND CORRECTIVE ACTIONS.....	C-13	249
<b>ANNEX D</b>		
<b>PERFORMANCE APPRAISAL PLAN</b>		
AUTHORITY.....	D-1	253
PURPOSE.....	D-2	253
OBJECTIVE.....	D-3	253
APPLICABILITY.....	D-4	253
BASIC REQUIREMENTS.....	D-5	253
DEFINITIONS.....	D-6	254
RESPONSIBILITIES.....	D-7	255
TECHNICIAN PERFORMANCE APPRAISAL		
REPORT.....	D-8	258
TECHNICIAN PERFORMANCE APPRAISAL		
REPORT PREPARATION.....	D-9	261
PRESENTATION.....	D-10	261
UNACCEPTABLE PERFORMANCE.....	D-11	263
APPEAL OF TECHNICIAN PERFORMANCE		
APPRAISAL REPORT.....	D-12	264
<b>ANNEX E</b>		
<b>INCENTIVE AWARDS PROGRAM</b>		
PURPOSE OF PROGRAM.....	E-1	277
PROGRAM RESPONSIBILITIES.....	E-2	277
SUGGESTIONS.....	E-3	279
PROCESSING INVENTIONS.....	E-4	282
SPECIAL ACT OR SERVICE AWARD.....	E-5	283
SUSTAINED SUPERIOR PERFORMANCE		
AWARD (SSP).....	E-6	283
QUALITY STEP INCREASES (QSIs).....	E-7	284
ON THE SPOT CASH AWARDS.....	E-8	285
TIME OFF AWARDS PROGRAM.....	E-9	286
LENGTH OF SERVICE RECOGNITION.....	E-10	287
HONORARY AWARDS AND OTHER		
METHODS OF RECOGNITION.....	E-11	287
MAINTENANCE OF INCENTIVE AWARD		
RECORDS.....	E-12	289
<b>ANNEX F</b>		
<b>HAZARDOUS DUTY AND ENVIRONMENTAL</b>		
<b>DIFFERENTIAL PAY</b>		
PURPOSE.....	F-1	295
COVERAGE.....	F-2	295
POLICY.....	F-3	295
RESPONSIBILITIES.....	F-4	296
ENVIRONMENTAL DIFFERENTIAL PAY		
(EDP).....	F-5	297
COMPUTING ENVIRONMENTAL		
DIFFERENTIAL PAYMENTS.....	F-6	298

	PARA	PAGE
	DOCUMENTATION OF EDP.....	F-7 300
ANNEX G	<b>TECHNICIAN EMPLOYEE ASSISTANCE PROGRAM (EAP)</b>	
	PURPOSE.....	G-1 333
	BACKGROUND.....	G-2 333
	DEFINITIONS.....	G-3 333
	POLICY.....	G-4 335
	PROGRAM RESPONSIBILITY.....	G-5 335
	PROGRAM DIRECTION.....	G-6 336
ANNEX H	<b>CLASSIFICATION APPEALS</b>	
	PURPOSE.....	H-1 337
	GENERAL.....	H-2 337
	SUPERVISORY RESPONSIBILITIES.....	H-3 337
	WHEN AN APPEAL MAY BE MADE.....	H-4 337
	WHERE TO FILE AN APPEAL.....	H-5 338
	FILING THE APPEAL.....	H-6 338
	APPEAL ACTIONS – THE DIRECTORATE FOR HUMAN RESOURCES.....	H-7 339
	CLOSING THE APPEAL.....	H-8 339

## ENCLOSURES

ENCLOSURE 2-1	SAMPLE OF OPTIONAL FORM 8	15
ENCLOSURE 2-2	EXCEPTION POSITION DESCRIPTION FLOW CHART	16
ENCLOSURE 2-3	POSITION DESCRIPTION AMENDMENT	17
ENCLOSURE 2-4	SAMPLE STATEMENT OF DIFFERENCE	18
ENCLOSURE 2-5	SUPERVISORY REQUEST FOR POSITION REVIEW	23
ENCLOSURE 2-6	NOTIFICATION OF INDIVIDUAL REVIEW	24
ENCLOSURE 2-7	POSITION REVIEW GUIDE	25
ENCLOSURE 2-8	SAMPLE POSITION REVIEW QUESTIONNAIRE(S)	28
ENCLOSURE 3-1	NOMINATION FOR TECHNICIAN EMPLOYMENT (CAL NG FM 690-2)	47
ENCLOSURE 3-2	APPOINTMENT AFFIDAVITS (SF 61)	48
ENCLOSURE 3-3	DECLARATION OF APPOINTEE (SF 61-B)	49
ENCLOSURE 3-4	EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE (W-4)	51
ENCLOSURE 3-5	DIRECT DEPOSIT SIGN UP FORM (SF 1199A)	53
ENCLOSURE 3-6	TECHNICIAN PERFORMANCE APPRAISAL REPORT (CAL NG FM 430)	54
ENCLOSURE 3-7	PRE-APPOINTMENT CERTIFICATION STATEMENT FOR SELECTIVE SERVICE REGISTRATION	57
ENCLOSURE 3-8	EMPLOYMENT ELIGIBILITY VERIFICATION (DoJ FM I-9)	58
ENCLOSURE 3-9	STATEMENT OF PRIOR SERVICE (SF 144, page 3)	59
ENCLOSURE 3-10	RACE AND NATIONAL ORIGIN IDENTIFICATION (SF 181)	61
ENCLOSURE 3-11	SELF-IDENTIFICATION OF HANDICAP (SF 256)	62
ENCLOSURE 3-12	SECURITY CLEARANCE CERTIFICATION	63
ENCLOSURE 3-13	TEMPORARY EMPLOYMENT STATEMENT	64



		PAGE
ENCLOSURE 4-1	WITHIN-GRADE-INCREASE LETTER	75
ENCLOSURE 4-2	DECISION TO WITHHOLD A WITHIN-GRADE-INCREASE LETTER/REDETERMINATION OF DECISION TO WITHHOLD A WITHIN-GRADE-INCREASE LETTER	76
ENCLOSURE 4-3	CALIFORNIA NATIONAL GUARD RECRUITING BONUS PLAN	78
ENCLOSURE 4-4	CALIFORNIA NATIONAL GUARD RELOCATION BONUS PLAN	82
ENCLOSURE 4-5	CALIFORNIA NATIONAL GUARD RETENTION ALLOWANCE PLAN	86
ENCLOSURE 4-6	ADVANCED IN-HIRING RATE BASED ON SUPERIOR QUALIFICATIONS	89
ENCLOSURE 5-1	FERS RETIREMENT ELIGIBILITY PROVISIONS	109
ENCLOSURE 5-2	CSRS RETIREMENT ELIGIBILITY PROVISIONS	110
ENCLOSURE 5-3	CHANGE OF ADDRESS	111
ENCLOSURE 6-1	REQUEST FOR ADVANCED SICK LEAVE (CAL NG FM 690-4)	127
ENCLOSURE 6-2	REQUEST TO DONATE LEAVE	129
ENCLOSURE 6-3	APPLICATION FOR RECEIPT OF DONATED LEAVE	131
ENCLOSURE 6-4	TERMINATION OF MEDICAL EMERGENCY	132
ENCLOSURE 7-1	TECHNICIAN PERSONNEL REGULATION 752 (TABLE OF PENALTIES)	142
ENCLOSURE 7-2	SAMPLE OF WRITTEN REPRIMAND LETTER	152
ENCLOSURE 7-3	SAMPLE OF PROPOSED ADVERSE ACTION LETTER	154
ENCLOSURE 7-4	SAMPLE OF ORIGINAL DECISION LETTER	157
ENCLOSURE 7-5	SAMPLE OF ADVERSE ACTION APPEAL LETTER	160
ENCLOSURE 7-6	PROPOSED ADVERSE ACTION – SELECTION OF APROPRIATE PENALTY(IES)	161
ENCLOSURE 8-1	USERRA ELECTION WORKSHEET	167
ENCLOSURE 9-1	SAMPLE OF SECTION TRAINING PLAN	172
ENCLOSURE 9-2	REQUEST, AUTHORIZATION, AGREEMENT, CERTIFICATION OF TRAINING AND REIMBURSEMENT (DD FM 1556) (EXAMPLE)	173
ENCLOSURE 9-3	DD FM 1556-1 TRAINING EVALUATION	177
ENCLOSURE 9-4	TECHNICIAN TRAINING PLAN	178
ENCLOSURE 1 TO ANNEX B	AGENCY ADMINISTRATIVE GRIEVANCE FORM	235
ENCLOSURE 1 TO ANNEX C	COMPETITIVE AREAS FOR AIR NATIONAL GUARD	251
ENCLOSURE 2 TO ANNEX C	COMPETITIVE AREAS FOR ARMY NATIONAL GUARD	252
ENCLOSURE 1 TO ANNEX D	IDENTIFYING CRITICAL ELEMENTS, PERFORMANCE INDICATORS, AND CONDUCTING THE PERFORMANCE COUNSELING	267
	SETTING THE TECHNICIAN PERFORMANCE APPRAISAL REPORT	267
	CONDUCTING THE PERFORMANCE APPRAISAL REPORT	269

		PAGE
ENCLOSURE 2 TO ANNEX D	TECHNICIAN PERFORMANCE APPRAISAL REPORT (CAL NG FM 430)	272
ENCLOSURE 3 TO ANNEX D	GUIDELINES FOR APPRAISING SUPERVISORS AND MANAGERS ON THEIR PERFORMANCE IN EEO	275
ENCLOSURE 1 TO ANNEX E	DETERMINING AWARD AMOUNTS	290
ENCLOSURE 2 TO ANNEX E	SUGGESTION FORM (NGB FM 6)	291
ENCLOSURE 3 TO ANNEX E	SUGGESTION EVALUATION FORM (NGB FM 7)	292
ENCLOSURE 4 TO ANNEX E	RECOMMENDATION FOR INCENTIVE AWARD OR QUALITY SALARY INCREASE FORM (NGB FM 32)	294
ENCLOSURE 1 TO ANNEX F	REQUEST FOR HAZARDOUS DUTY PAY OR ENVIRONMENTAL DIFFERENTIAL PAY DETERMINATION	302
ENCLOSURE 2 TO ANNEX F	APPROVED WORK SITUATIONS ELIGIBLE TO RECEIVE EDP/HDP PAYMENT	304
ENCLOSURE 3 TO ANNEX F	5 CODE OF FEDERAL REGULATION 532.511 "ENVIRONMENTAL DIFFERENTIALS"	311
ENCLOSURE 4 TO ANNEX F	SAMPLE OF AUTHORIZATION TO PAY EDP/HDP FORM (NGB FORM 104)	330
ENCLOSURE 5 TO ANNEX F	SAMPLE OF STANDARD FORM 52 (REQUEST FOR PERSONNEL ACTION)	331

## CHAPTER 1

### INTRODUCTION

**1-1.** The Technician Personnel Manual (TPM) is designed to provide policies and guidance in the administration and utilization of technicians within the California National Guard. It is a compilation of laws, rules and regulations in the Federal sector. Please consult the appropriate reference (i.e. Code of Federal Regulation (CFR), Section 709 of 32 United States Code, etc.), for more detailed information. In the event of any conflict between this manual and the underlying source regulation, rule or directive, the source document prevails.

**1-2.** This manual provides implementing instructions of the basic personnel management policies and principles published by the Office of Personnel Management (OPM), the National Guard Bureau (NGB), and the Equal Employment Opportunity Commission (EEOC).

**1-3.** Information and guidance of limited term applicability will be published by the Director for Human Resources in Technician/AGR Administrative Instructions (TAAI).

**1-4.** Policy and procedural changes will be published as changes to this manual.

#### **1-5. DIRECTORATE FOR HUMAN RESOURCES RESPONSIBILITIES:**

The Directorate for Human Resources (CAJS-HR) is the staff element through which the Adjutant General discharges obligations for employment and administration of the California National Guard Technician Program. The Directorate for Human Resources will:

- a. Develop and administer personnel management programs, policies, and procedures for all full-time personnel resources.
- b. Provide manpower management services.
- c. Advise managers/supervisors on policies affecting full-time resources.
- d. Establish procedures to monitor and control compatibility according to NGB criteria and policy.
- e. Maintain accurate and timely automated personnel management information.
- f. Manage Equal Employment Opportunity (EEO) programs for full-time personnel.

g. Advise and assist managers/supervisors in the conduct of effective labor-management relations.

h. Establish a workforce management program and accomplish position classification responsibilities.

i. Establish policies and regulations for placement, appointment, promotion, reduction-in-force, performance management, training, technician benefits, adverse actions, and other phases of personnel programs. Advise managers/supervisors on these personnel programs.

j. Establish and maintain required records, files, and reports.

k. Administer hours of work and leave programs.

#### **1-6. SUPERVISOR'S RESPONSIBILITIES:**

*Supervisors are responsible for:*

a. Establishing a work environment that will produce positive technician motivation and maximum performance.

b. The day-to-day direction of the workforce.

c. Identifying training requirements.

d. Insuring military/technician compatibility is maintained by their workforce.

e. Insuring accuracy of position descriptions.

f. Meeting EEO objectives and responsibilities.

g. Counseling technicians.

h. Maintaining Supervisors Record of Technician Employment (NGB Form 904-1).

## CHAPTER 2

### POSITION CLASSIFICATION AND WORKFORCE MANAGEMENT

#### 2-1.POSITION CLASSIFICATION AND WORKFORCE MANAGEMENT:

The policy of the Federal Government, National Guard Bureau (NGB) and the Directorate for Human Resources is to organize the workforce in a manner that will make optimum use of manpower resources. Efficient and economical operations are inherent parts of the continuing management responsibilities of commanders and directors. Responsibilities are shared by all subordinate management/supervisory personnel who are responsible for the work of others. Limited manpower resources and rising personnel and equipment costs make it important that human resources and materials are economically managed. The direct functions of the Classification and Workforce Management Section are to:

- a. Classify local position descriptions.
- b. Provide workforce management and classification advisory services.
- c. Coordinate implementation of new position descriptions.
- d. Conduct position reviews.
- e. Process classification inquiries and classification appeals.
- f. Administer and/or participate in the Federal Wage Survey process.
- g. Administer Environmental Differential Pay (EDP)/Hazardous Duty Pay (HDP) Program.
- h. Ensure updates to automated personnel system.

#### 2-2. AUTHORITY:

The authority for the classification of positions and establishment of position descriptions (PDs) rests with NGB. National Guard Bureau has further delegated classification authority to the states. National Guard Bureau, Classification Division (NGB-HR-CD), located in Salt Lake City, Utah, has classification responsibilities for the

entire National Guard program. California is one of ten states that has “Shared Classification Authority” (SCA). SCA allows Commanders, Chief of Staff (COS), Directors and key managers the ability to produce Localized PDs, known as Exception PDs (see paragraph 2-4 for more details), that better reflect the duties of their subordinates. Supervisors have a key responsibility in the SCA process. They are responsible for ensuring that the duties and responsibilities of the current PDs accurately reflect the work being performed by the incumbent of the position. When the PD is determined to be inaccurate, the supervisor will inform the Commander or Manager with SCA responsibility of the changes that need to be made.

## **2-3.POSITION DESCRIPTION:**

a. A position description is a statement of the major duties, responsibilities, and supervisory relationships of a given position. The description of each position must be kept up-to-date and include information about the job which is significant to its classification.

b. For a non-supervisory position, the position description should include enough information so that proper classification can be made when the position description is supplemented by other information about the organization’s structure, mission, and procedures. The position description should define clearly the major duties assigned and the nature and extent of responsibility for carrying out those duties. Qualification requirements should be evident from reading the position description, and specialized requirements not readily apparent from the position description should be specifically mentioned and supported by the described duties.

c. For a supervisory position, the position description should identify the information necessary to evaluate the position by the appropriate supervisory standards. The scope and degree of supervisory responsibility are of primary importance. The position description of a supervisory position need not include a detailed discussion of the work performed by subordinate technicians. It is important, however, that there be consistency between a supervisor’s and subordinates’ position descriptions concerning supervision given and received.

d. Position Descriptions (PDs) are used principally as the basis for classifying positions and serve as one of a number of authorized documents which support the payment of funds for work performed. PDs may be used by management officials in other administrative areas such as:

- (1) Instruction/training needs.
- (2) Qualification requirements.

- (3) Establishment of Critical Elements.
- (4) Supervision of technicians.
- (5) Preparation of estimates for personnel services.
- (6) The study of organizational structure and flow of work.
- (7) The execution of programs designed to ensure that the highest skills and abilities are being effectively utilized consistent with management needs.

e. For the above reasons, PDs must reflect the major duties and responsibilities briefly, clearly, and accurately without extensive detail. Duties and responsibilities which do not affect recruitment, placement or classification are considered minor, tend to confuse the reader, and should not be included in position descriptions. As a rule, two or less typed pages will adequately describe a position. For purposes of uniformity and brevity, position descriptions will be written in the third person singular, present tense and active voice, with the subject omitted. Short, specific sentences promote a clearer word picture and should be used. Terms such as “prepares”, “processes”, and “is responsible for” are not specific and should be avoided. The following format will be used in describing positions:

(1) *Optional Form (OF) 8*: This is the front cover of the PD. It provides information about the position, i.e., PD number, duty location, title, series, and grade, etc. (See Enclosure 2-1 at the end of the chapter.)

(2) *Introduction*: To aid in understanding the duties and relationships of the position, information under this heading will orient the reader with regard to the authorized functions of the organizational segment in which the position is located; and the purpose of the position. A very brief functional statement will be written under this heading. Following this will be a brief statement on the purpose of the position; the organizational title of the position may help clarify the purpose.

(3) *Duties and Responsibilities*: Significant supervisory and non-supervisory duties and responsibilities will be described under this heading. These duties and responsibilities, which are essential to the classification of the position and to the determination of placement and recruitment requirements, will be described reflecting what is done and the manner in which the work is accomplished. Position characteristics including the effects of decisions, recommendations and actions taken, initiative and originality required and exercised, equipment used, skills involved, personal work contacts and their purposes, among others, will be described. Normally, information under this heading will be organized by descending order of importance or in work sequence.

(a) *Descending Order of Importance*: This method requires an analysis and arrangement of the duties and responsibilities into a pattern which lists the most important duty first, next in importance second, etc. This analysis must take into consideration for arrangement purposes elements, such as, the different kinds of work performed, the difficulties and complexities involved in performing each kind of work, and approximate percentage of time spent on each kind. The kinds of work are then arranged and described in order of importance in terms of the effects each kind may have in determining the classification assignment for the position. Normally, this method of recording will be used when duties are not performed in sequence and do not recur in the same pattern.

(b) *Work Sequence*: Most production line type positions can easily be described by listing the first duty performed in the sequence, followed by the next, etc., without regard to relative importance. Each duty and responsibility paragraph under this heading will be numbered and subheadings, for example; Work Direction, Planning, Training, Personnel Management, Safety, Housekeeping, Work Improvement, Equipment Operation, Typing, Filing, and the like, may be used. For those positions where the time spent on different kinds or levels of work may influence the classification, time percentages will be estimated and shown to the right of each paragraph. When considered necessary, i.e., to establish percentages of time indicating full performance, minor duties may be summarized in one paragraph that will follow all other duty paragraphs. Descriptions for supervisory positions will reflect information regarding the workforce supervised. This will include the approximate quantity and grades of subordinate positions and may be expressed in ranges, such as, 2-9 technicians GS-3 through GS-5. The kinds of positions supervised may be listed in series, such as, clerks, editorial clerks, typists and file clerks. This information may be shown along with those characteristic duties which are appropriately described under the subheading Work Direction, or may be reflected in a separate paragraph titled Workforce Supervised which will follow all other paragraphs under this heading.

f. *Supervisory Controls*: The organizational title of the position which has responsibility for the timeliness, quality, and quantity of work performed in the position being described will be reflected in the first sentence under this heading. Whether from direct personal contact, established policies, guides, precedents, methods, or standard procedures, the degree and type of supervision received are essentially the same for all duties. These duties may be summarized under this heading to avoid repetition in each of the duty series and grade of the "Duties and Responsibilities" of the position statements. Where the degree type or source of supervision and control varies significantly for the several duties, the type of control will be indicated as part of each duty paragraph. In the latter case, a statement "See Duties Above" will be recorded under this heading. Since there is no uniform interpretation of such terms as "Under General Supervision", "Under Immediate Supervision", and the like, these terms will not be used without clarification.



g. *Evaluation Statement:* This is the final portion of the PD. The evaluation statement is an analysis of how the Classifier determined the title, series, and grade of the “Duties and Responsibilities” of the position.

## **2-4. EXCEPTION POSITION DESCRIPTION:**

a. *Exception Position Description:* An exception position description is a description developed by the immediate supervisor when local conditions are such that the assigned standard PD is no longer accurate and when those conditions would only impact the position at that location. If positions in another state(s) would be impacted a national PD (multi/all states) would be required. Such local descriptions should be developed only when a significant difference exists between the locally assigned duties and those described in the assigned standard position description. Prior to developing a local exception, consideration should be given to other standardized PDs that may apply. Exception position descriptions will be implemented only within existing manning authorization. The purpose of development of exception position descriptions is to provide local managers with flexibility and control over the use of positions in their organization within mission requirements. Managers and supervisors are charged with the responsibility to assure that PDs accurately describe the duties assigned and performed, that the PDs usage reflects sound workforce management, and that all technicians are performing the major duties in their PD. Office of Personnel Management (OPM) and NGB position classification/job grading standards govern the classification of technician positions.

### *b. Responsibilities and Development of Exception Position Descriptions:*

(1) *Local Managers.* Generates request for exception PD with appropriate justification (e.g., title, series, grade; impact on organizational structure and other positions).

(a) Certifies the proposed duties and responsibilities are correct.

(b) Submits an organization chart depicting location of the position to which the exception PD applies.

(c) Forwards to Directorate for Human Resources.

(2) *Directorate for Human Resources Classification Specialist:* The State Classification Specialist:

(a) Assists managers with assessment of organizational structure and the need for the exception PD.

(b) Provides advice and assistance to managers and supervisors regarding requirements of classification, such as, PD content and format; use of classification standards, or modification or revision of PDs.

(c) Advises on PD adequacy, avoidance of misassignments, and impact of decisions on other positions in the organization.

(d) Performs on-site position reviews to gain a clear understanding of the requested changes and to properly classify the position. Consultation with NGB-HR, Classification Division, may occur as needed during this process.

(e) Assures adequate training of managers, supervisors, provides advice on program objectives and accountability for actions.

(f) Proposes compatibility codes (the immediate supervisor of the position may recommend MOSs/AFSCs) and qualification standards. (The State Classifier coordinates the proposed compatibility codes and qualification standards with the State Staffing Specialist.)

(g) Finalizes content of PD, writes the Evaluation Statement, assuring the OF-8 is complete and certifies the classification.

(h) Endorses request (containing the above information) for an exception PD, along with copies of any Nationwide Position Description that it replaces, and forwards to the appropriate Office of Primary Responsibility (OPR) and NGB-HR Classification Division. If there is no response from the OPR or the appropriate compatibility offices within a reasonable time (i.e. 30 days), this office will contact NGB-HR, Classification Division, for assistance.

(i) Implements PD upon receipt of NGB (OPR/Manpower/ Classification Division) approval and distributes as follows; (1) Immediate supervisor; (2) Incumbent of the position, (3) Directorate for Human Resources master position description file, and (4) NGB-HR, Classification Division.

c. *National Guard Bureau Classification Division.* Coordinates with the OPR on exception PD packages, and provide advice and counsel on duty assignment based upon knowledge of standardized PDs for the functional areas. Forwards comments, advice and recommendations to the OPR.

d. *Office of Primary Responsibility (OPR):* The purpose of the OPR is to ensure that the exception PD contains duties appropriate for the work center that changed or added duties, are not duplicated in other positions, the changes are mission-essential, correctly aligned with the OPR function, and the changes contribute to mission efficiency

and effectiveness. The OPR reviews NGB-HR Classification Division remarks, approves/disapproves the exception PD, recommends compatibility, determines if there is a need for a standardized PD or a review of the position on a national basis, returns PD to the state if disapproved, or forwards to ANG/ARNG Manpower and Personnel if approved, with endorsements.

e. *Army/Air National Guard Manpower and Personnel:* Approves compatibility and reaffirms manpower requirement.

f. A flowchart showing the exception PD process is at Enclosure 2-2 at end of the chapter.

g. *General Rules for Exception Position Descriptions:*

(1) Duties that have been established as a standard position description and assigned a title, series and grade cannot be assigned a different title, series or grade as a local exception based on a difference of opinion.

(2) Exception positions established and classified in another state may not be used as a benchmark.

(3) Duties and responsibilities in the exception position description must be consistent with the work center description, deviation requires OPR and NGB Manpower approval.

(4) Justification for deviation from the standard organization must be provided; OPR, and NGB Manpower approval is required.

(5) Exception PDs should not be developed for an organization under review by NGB-HR Classification Division or OPR, unless otherwise directed.

(6) A local exception PD cannot be used to raise or lower the grade authorized by the AGR/Military Technician Grade Comparability Chart contained in Attachment 3 of ANGI 36-101. AGR grade ceilings and positions are based on NGB standardized or benchmark positions. Local exception PDs classified by the Directorate for Human Resources may not be used to modify the grade ceiling or MOS/AFSC requirement in order to promote AGR members.

(7) When a change in duties does not affect the classification of the position, it is generally not necessary to develop an exception PD. Sometimes, however, duties can influence both grade and series determinations and the qualifications required for the work. In such cases, these duties must be described with a new PD and evaluated. Pen and ink changes or amendments (addendum) (see paragraph 2-5 for more details) may be appropriate.

(8) The NGB OPR should be contacted in advance to submitting the proposed exception PD to ensure proposed changes are limited to that state.

*h. Changes in Staffing or Appointment Requirements for Exception Positions:*

(1) Non-supervisory positions may not be upgraded, or utilized to establish supervisory/managerial positions, without first receiving appropriate Directorate for Human Resources approval.

(2) Dual status service positions may not be converted to the non-dual status and vice versa without Directorate for Human Resources approval, except in those organizations where approval to utilize competitive status has been approved by NGB-HR Classification Division.

(3) Military appointment requirements may not be changed, and must be annotated on the OF-8. For new authorizations, obtain military appointment requirement from the Directorate for Human Resources.

i. Proposals for local PDs (Exception PDs) will be submitted to the Directorate for Human Resources through the Commander/Manager with SHARED CLASSIFICATION AUTHORITY responsibility. If there is no Commander/Manager with SHARED CLASSIFICATION AUTHORITY, the proposal can be forwarded directly to the Directorate for Human Resources and will contain the following information:

(1) Copy of the **current** position description.

(2) An explanation of **how and what has changed** that initiates this request. Answer the following questions:

(a) How has the level of knowledge required to perform the duties changed?

(b) Has supervisory requirements changed?

(c) How has guidelines and operating procedures changed?

(d) Explain how the complexities of duties changed?

(e) How has the scope and effect of work changed?

(f) Are there any **new** regular, recurring, and frequent duties required which are not covered in the current position description? If so, list in order of importance.

## **2-5.AMENDMENTS TO POSITION DESCRIPTIONS:**

An amendment to a PD is a process that allows a supervisor to make changes to a technician's position. Changes are a result of consolidation of work from other vacant positions, new requirements for the current position that didn't exist before, etc. Recommendations to amend existing PDs should be forwarded to the Directorate for Human Resources with the following information: (See Sample California Position Description Amendment, Enclosure 2-3 at end of the chapter .)

- a. Current PD Number, Title, Series and Grade.
- b. A list of changes to the current PD (example: Delete paragraph 2, 2<sup>nd</sup> sentence; add paragraph with the following (new duties), etc.)
- c. Supervisor's signature.

## **2-6. STATEMENT OF DIFFERENCES:**

*Statement of Differences for Restructuring Positions at Lower Grade Levels:*

a. Statement of Differences will be prepared to temporarily lower the grade of a position to aid recruiting and/or fill at trainee level. (See Sample Enclosure 2-4 at end of the chapter).

b. Statement of Differences are prepared by the State Classifier, using both an OF- 8 and a supplemental sheet that describes the differences in duties and responsibilities from the basic position description. Block 2 of the OF-8 will be checked "Other" and marked "Statement of Differences." The State Classifier will certify in block 21 and supervisors will certify by signing in blocks 20a and 20b of the OF-8. With the exception of entry level positions in the Upward Mobility Program, military appointment requirements and compatibility requirements cannot be altered from those of the basic description.

c. In restructuring positions at lower grade levels, three different approaches can be taken depending on the reason for restructuring, the basic nature of the work performed, and the restructured grade level desired. To restructure at any lower grade level, you can:

- (1) Decrease the difficulty/complexity of the duties and responsibilities,
- (2) Increase the supervisory controls exercised, or
- (3) Both.

## **2-7. POSITION REVIEW (DESK AUDIT):**

A position review is performed when a position or positions are identified as having changes in the duties, organizational changes, manning changes or as deemed necessary by NGB, The Adjutant General, the Directorate for Human Resources, Air Commander or Army Director. Position reviews are basically a fact-finding process to determine if the PD is accurate, the duties being performed are properly titled and graded, or the duties are properly assigned. When a position's major duties and responsibilities change measurably, the immediate supervisor may request a position review to review changes. The proper administration of the position classification system requires that positions be carefully classified on the basis of their current duties and responsibilities. For the most part, changes in jobs occur because of changes in policy, in organization, law, technology, etc. (See Sample Supervisory Request for Position Review, Enclosure 2-5 at end of the chapter.) Technicians will be notified in advance of position review to provide time for preparation. (See Sample Notification of Individual Review letter, Enclosure 2-6 at end of the chapter of Chapter 2.) A copy of the technician position review guide (See Enclosure 2-7 at end of the chapter) should be provided to the incumbent. The sample position review questionnaires (See Enclosure 2-8 at end of the chapter.) may be used as a part of this process. Supervisors should explain position review procedures to technicians as a part of the preparation process. Upon completion of the position review and analyses, an advisory letter containing the findings will be provided to the supervisor of the position reviewed.

## **2-8. POSITION DESCRIPTION RELEASES:**

National Guard Bureau-Human Resources-Classification Division (NGB-HR-CD) is responsible for all Standard PDs (Nationwide PDs). The NGB-HR-CD performs studies of specific functional areas and produces PDs to be distributed to all states that have those functional areas. This distribution is called a "Position Description Release". The Directorate for Human Resources further distributes these releases, with instructions on how to implement the new PDs, to the functional areas affected. It is the responsibility of the functional area to assign technicians to the new PDs.

## **2-9. POSITION DESCRIPTION CERTIFICATION:**

a. Supervisors have the responsibility to insure that all positions under their supervision have properly described "Duties and Responsibilities" that reflect the major work performed. New and revised PDs are forwarded to supervisors for review of the duties and responsibilities. If the supervisor is in agreement that the major duties and responsibilities accurately describe the work to be performed, the supervisor will certify that accuracy on the SF 52 (Request for Personnel Action), Part D (Remarks Section). An example of the appropriate certification statement is:

*“I certify that this is an accurate statement of major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.”* (NOTE: Supervisors are not certifying that the title, series, grade or pay plan of position are accurate).

b. If the description does not accurately reflect the major duties and responsibilities of the position, a recommended change will be forwarded to the Directorate for Human Resources (see paragraph 2-5 for more details). The State Classifier will assist the supervisor/manager with the writing of an accurate position description or amendment, whichever is appropriate.

## **2-10. POSITION CONTROL, MANAGEMENT, AND REVIEW:**

Prior to approving a request for a vacancy announcement, the State Classifier will review the SF 52 to insure that the following information is accurate:

- a. The position is vacant, or has a projected vacancy date.
- b. The position description number, title, series, grade are correct. (If supervisory, ensures that sufficient subordinates are assigned to the function to support the supervisory grade).
- c. There is no known classification action pending.
- d. Proper location of position is shown.
- e. Functional codes and line numbers are correct for Air Technician positions and paragraph and line numbers are correct for Army Technician positions.
- f. The SF 52 has appropriate authorizing signatures and has gone through proper command channels.
- g. The certification statement has been entered in the “Remarks” of the SF-52. (See paragraph 2-9 for more details).

## **2-11. MANNING DOCUMENTS:**

- a. National Guard Bureau Army/Air Manpower issue manning documents for all

units/activities. Manning documents provide the number of requirements and authorizations for the units/activities. Additionally, the Directorate for Human Resources will produce an active Manning Document that reflects those positions with the names of the incumbents assigned.

b. The Air National Guard (ANG) gives the authority to make changes to the manning document to the Air Commanders and the Directorate for Human Resources. This authority is limited to grade GS-09 and below. Any changes beyond that grade must be forwarded to the Directorate for Human Resources and in turn forwarded to Air National Guard Resource Center, ANGRC/XPM, for approval. Requests for changes to the ARNG manning document are to be forwarded to the Directorate for Human Resources for approval, and if necessary forwarded to National Guard Bureau, ARNG Manpower for approval.

## **2-12. EMPLOYMENT AUTHORIZATIONS (EAs):**

Employment Authorizations (EAs) are issued by NGB to the States at the beginning of the fiscal year. They are disseminated to the major directorates and organizations by the Directorate for Human Resources. During the fiscal year the Employment Authorizations may be temporarily increased to accommodate special projects or programs. Changes to Employment Authorizations are disseminated to the organizations effected. Additionally, the Directorate for Human Resources produces a strength report once a month. This report lists the current number of authorizations, permanent technicians assigned, temporary technicians assigned, indefinite technicians assigned, technicians on Leave Without Pay (LWOP-US), technicians who have Separated-US who have restoration rights in accordance with USERRA Law (See Chapter 3 for more details).



**POSITION DESCRIPTION**

1. Agency PDCN 80271000

<b>2. Reason for Submission</b> <input type="checkbox"/> Redescription <input checked="" type="checkbox"/> New  <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other Explanation (Show Positions Replaced)		<b>3. Service</b> <input type="checkbox"/> HQ <input checked="" type="checkbox"/> Field		<b>4. Empl Office Location</b>		<b>5. Duty Station</b>		<b>6. OPM Cert #</b>	
		<b>7. Fair Labor Standards Act</b> Not Applicable		<b>8. Financial Statements Required</b> <input type="checkbox"/> Exec Pers Financial Disclosure <input type="checkbox"/> Employment & Financial Interests		<b>9. Subject to Action</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<b>13. Competitive Level</b>	
		<b>10. Position Status</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Excepted (32 USC 709) <input type="checkbox"/> SES (Gen) <input type="checkbox"/> SES (CR)		<b>11. Position is</b> <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither		<b>12. Sensitivity</b> <input type="checkbox"/> Non-Sensitive <input type="checkbox"/> Noncritical Sens <input type="checkbox"/> Critical Sens <input type="checkbox"/> Special Sens		<b>14. Agency Use</b> ENL	

**15. Classified/Graded by**  
☐ a. US Office of Pers Mgt ☒ b. Dept, Agency or Establishment ☐ c. Second Level Review ☐ d. First Level Review

Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
Telecommunications Specialist	GS	391	9	ajl	8 Sep 97

**16. Organizational Title** (If different from official title)  
 Base Network Control Center Technician

**17. Name of Employee** (optional)

**18. Dept/Agency/Establishment** - National Guard Bureau

a. First Subdivision - State Adjutant General

b. Second Subdivision - ANG Wing/Group Flying Unit

c. Third Subdivision - Support Directorate

d. Fourth Subdivision - Communications Division

e. Fifth Subdivision - Information Systems Branch

**19. Employee Review.** This is an accurate description of the major duties and responsibilities of my position.

Employee Signature /Date (optional)

**20. Supervisory Certification.** I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes related to appointment and payment of public funds. False or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor

b. Typed Name and Title of Higher-Level Supervisor/Manager (optional)

Signature

Date

Signature

Date

**21. Classification/Job Grading Certification:** I certify this position has been classified/graded as required by Title 5 USC, in conformance with USOPM published standards or, if no published standards apply directly, consistently with the most applicable standards.

Typed Name and Title of Official Taking Action

ANDY J. LIEPNIEKS

Personnel Management Specialist

Signature

//signed//

Date

8 Sep 97

**22. Standards Used in Classifying/Grading Position**  
 USOPM Telecommunications Series, GS-391, Mar '90

**Information For Employees.** The standards and information on their application are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or OPM. Information on classification/job grading appeals available from the personnel office.

**23. Position Review** Initials Date Initials Date Initials Date Initials Date Initials Date

a. Employee (Opt)

b. Supervisor

c. Classifier

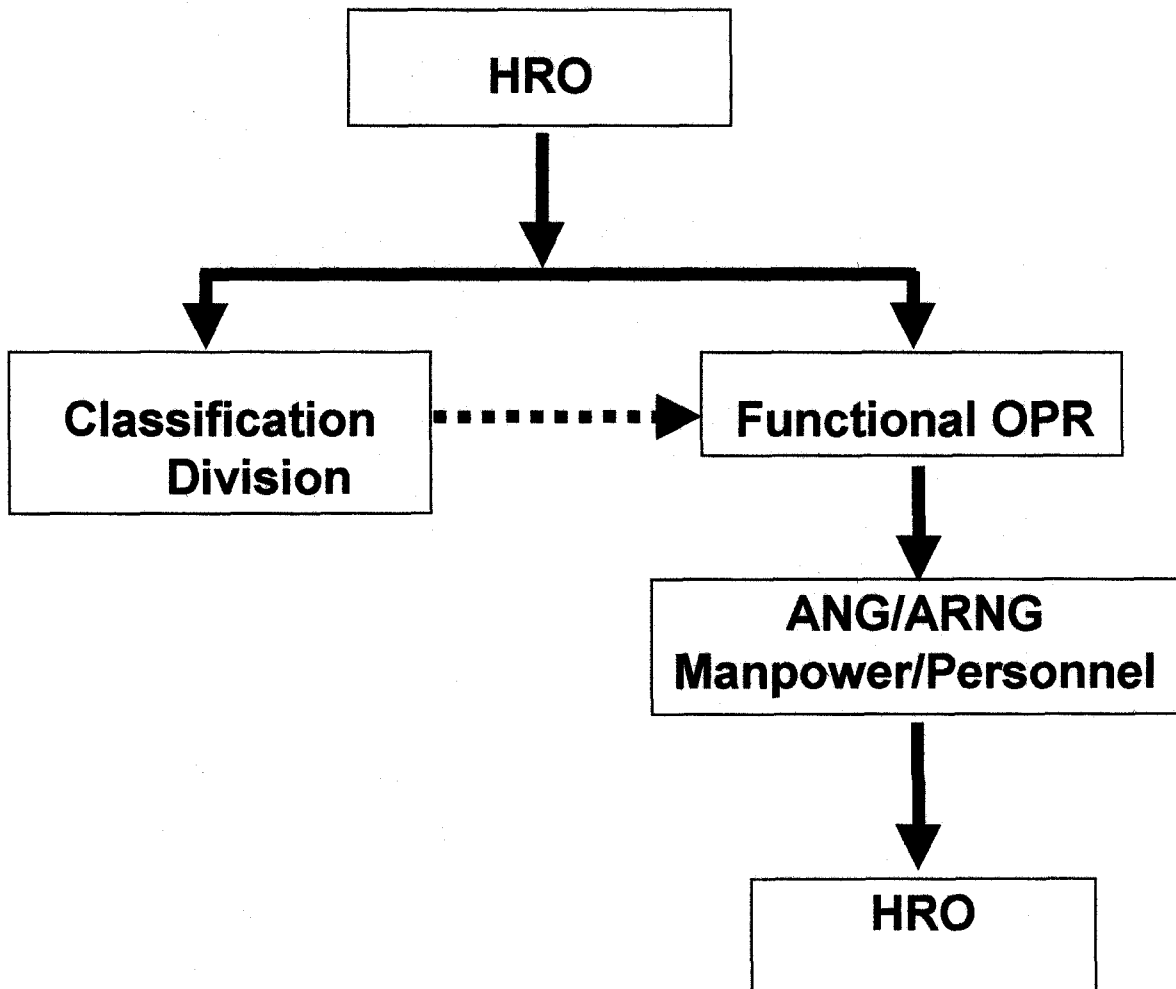
**24. Remarks:**

Released from NGB-HR-WC, CRA97-1015

**25. Description of Major Duties and Responsibilities** (SEE ATTACHED)

NSN 7540-00-634-4265 Previous Edition Usable 5008-106 **Optional Form 8** US Office of Personnel Management (USOPM), FPM CHAPTER 295 [Equivalent]

## FLOW CHART FOR THE EXCEPTION PD PROCESS



## CALIFORNIA POSITION DESCRIPTION AMENDMENT

Amend PD # 80093000, GS-0326-05, Office Assistant (OA), as follows:

Delete "Assists personnel specialists in the performance of special and one-of-a-kind projects involving research and coordination", from the second paragraph and replace it with: "Assists higher graded employees with".

Add the following sentence to paragraph two: "Assists various higher graded employees with specific program elements (i.e. training, medical, labor, AGR program functions, etc.)"

Add the following to paragraph three: "and mail distribution, reception and telephone monitoring at the front desk, PDS updating of basic personnel actions."

Add the following to paragraph four: "Produces PCS, TDY, and Training orders."

This amendment was coordinated with \_\_\_\_\_ of CAJS, on 10-Jan-00. And is not considered to be grade controlling, impacting or a major change.

**Supervisory Certification:** I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations

a. Typed Name and Title of Immediate Supervisor

b. Typed Name and Title of Higher Level Supervisor or Manager (optional)

Signature

Date

Signature

Date

Information for Employees. The standards, and information on their application, are available in the Directorate for Human Resources Website. The classification of the position may be reviewed and corrected by the agency. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the Directorate for Human Resources.

**POSITION DESCRIPTION**

1. Agency PDCN 13018WCA/A

2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> New <input type="checkbox"/> Reestablishment <input checked="" type="checkbox"/> Other Explanation (Show Positions Replaced)  STATEMENT OF DIFFERENCE 13018WCA	3. Service <input checked="" type="checkbox"/> HQ <input type="checkbox"/> Field	4. Emp'l Office Location SACRAMENTO, CA	5. Duty Station SACRAMENTO, CA	6. OPM Cert #
	7. Fair Labor Standards Act Not Applicable	8. Financial Statements Required <input type="checkbox"/> Exec/Pers Financial Disclosure <input type="checkbox"/> Employment & Financial Hearings	9. Subject to IA Action <input type="checkbox"/> Yes <input type="checkbox"/> No	
	10. Position Status <input checked="" type="checkbox"/> Competitive <input checked="" type="checkbox"/> Excepted (32 USC 709) <input type="checkbox"/> SES (Gen) <input type="checkbox"/> SES (CR)	11. Position is <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither	12. Sensitivity <input type="checkbox"/> Non Sensitive <input type="checkbox"/> Noncritical Sens <input type="checkbox"/> Critical Sens <input type="checkbox"/> Special Sens	13. Competitive Level
				14. Agency Use OFF, WO, ENL

15. Classified/Graded by  
☐ a. US Office of Pers Mgt ☒ b. Dept, Agency or Establishment ☐ c. Second Level Review ☐ d. First Level Review

Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
SUPVY EMPLOYEE RELATIONS SPECIALIST	GS	0230	09	aig	05 May 1999

16. Organizational Title (if different from official title)

17. Name of Employee (optional)

18. Dept/Agency/Establishment - National Guard Bureau

a. First Subdivision - State Adjutant General

b. Second Subdivision - ARNG/ANG Human Resource Office

c. Third Subdivision -

d. Fourth Subdivision -

e. Fifth Subdivision -

19. Employee Review. This is an accurate description of the major duties and responsibilities of my position. Employee Signature/Date (optional)

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes related to appointment and payment of public funds. False or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor	b. Typed Name and Title of Higher Level Supervisor/Manager (optional)
Signature _____ Date _____	Signature _____ Date _____
21. Classification/Job Grading Certification. I certify this position has been classified/graded as required by Title 5 USC, in conformance with USOPM published standards or, if no published standards apply directly, consistently with the most applicable standards.	22. Standards Used in Classifying/Grading Position  SEE ATTACHED EVALUATION
Typed Name and Title of Official Taking Action ALICIA I. GAYLE POSITION CLASSIFICATION SPECIALIST Signature _____ Date _____ 05 MAY 1999	Information For Employees. These standards and information that are applicable are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or OPM. Information on classification/job grading appeals is available from the personnel office.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (Opt)										
b. Supervisor										
c. Classifier										

24. Remarks:

25. Description of Major Duties and Responsibilities (SEE ATTACHED)

NSN 75-000-634-4265 Previous Edition Usable 3008-106 Optional Form 8 US Office of Personnel Management (USOPM), FPM CHAPTER 285 [Equivalent]

**SAMPLE**

13018WCA/A

**STATEMENT OF DIFFERENCE  
GS-0230-09**

25

**a.INTRODUCTION:**

The incumbent of this position has either successfully completed a training period at a lower level or meets the experience and/or educational requirements for entry at this secondary developmental level. Knowledge, experience and skill are being acquired for eventual promotion to the full operating level described in the attached copy of PDCN 13018WCA. If the incumbent was competitively selected to fill the position at this level or the lower trainee level, promotion to the next higher level may be made as a career promotion in accordance with applicable regulations, after qualifications and eligibility requirements have been satisfied and the supervisor and the Directorate for Human Resources are satisfied that the full scope of duties required by the next higher level is being performed in a satisfactory manner under appropriate supervisory controls.

**b.DUTIES AND RESPONSIBILITIES:**

(1)Manages and administers a variety of personnel programs, advised management and counsels technicians on such programs as health and life insurance, leave, Thrift Savings Plan (TSP), physical capability requirements and the Federal Employees Compensation Act (FECA). Manages, administers and provides advice and assistance on compensation/pay programs including hours of duty, premium pay, CA NG insurance programs, and the Office of Personnel Management (OPM) on technician security clearances. Conducts program analysis to determine activity trends and compliance with program requirements. Advises management on potential program problems such as organizational patterns of leave usage or potential FECA abuse. Manages the leave donor program and approves requests for advance leave. Provides Social Security advice, interpretation of OPM and NGB regulations on political activity and standards of conduct.

(2) Provides full knowledge of regulatory requirements concerning personnel administration in assigned program areas. Follows instructions pertaining to technician personnel administration matters and advises the Directorate for Human Resources, staff directors and major unit commanders to insure compliance with requirements.

(3)Responsible for the administration of the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) and providing technical guidance to the worker(s).

(4)Responsible for the administration of the Worker's Compensation Program for all California National Guard technicians, insuring that program objectives and goals are met. Provides administrative and technical supervision to the subordinates performing this function.

(5)Administers and provides advice on performance management systems, the incentive awards and beneficial suggestion programs and/or other productivity measurement and improvement programs. Reviews such actions as performance elements and standards, awards and suggestions for regulatory propriety and support of organizational work goals. Conducts program analysis to ascertain program trends and compliance with program requirements.

(6)Responsible for the accurate and timely processing of personnel actions, Notification of Personnel Action (SF-50) for separations, within-grade increases, awards, etc., including completion of supporting forms, records and documents. Insures personnel actions are processed and copies are distributed to the appropriate supervisors and technicians. Responsible for the maintenance and security of the Official Personnel Folders (OPFs) insuring that contents meet regulatory requirements and are safeguarded under the Privacy Act of 1974. Insures information coded into the Defense Civilian Personnel Data System (DCPDS) is accurate and timely. Reviews system-generated listings to validate data, identify errors, analyze trends and insure timely resolution of system-related problems. Insures that system users are properly trained and have access to DCPDS regulations, manuals and instructions.

(7)Performs the full range of supervision involved in managing the Customer Services Section. Provides planning, policy, technical and administrative direction to a work force performing personnel functions. Sets priorities and prepares schedules for completion of work. Interviews candidates for vacant positions and recommends applicants for selections. Recommends subordinates for selection, promotion or reassignment. Establishes performance standards and monitors and evaluates employee performance. Assists technicians in reaching performance goals. Approves and disapproves leave. Effects disciplinary measures or recommends action in more serious cases to higher authorities. Implements the provisions of the Equal Employment Program, Federal Women's Program, Physically Handicapped Program, American Association of Retired Persons (AARP) Program and other similar special emphasis programs. Maintains a positive customer relations program.

(8)Advises on adverse actions up to and including those that are sensitive, serious or controversial. Provides advice and assistance to management on preparing disciplinary and adverse actions. Provides information on employee rights and obligations.

(9)Performs other duties as assigned.

c. SUPERVISORY CONTROLS:

Work is performed under the general supervision of the Supervisory Personnel Management Specialist who establishes general work objectives and priorities and renders more immediate guidance and control when projects are normally assigned to higher graded technicians, are unfamiliar to employee or require application of new guidelines. Work is reviewed for technical soundness and adequacy of recommendations and conclusions.

STATEMENT OF DIFFERENCE

1 EVALUATION STATEMENT

Paragraph D. OCCUPATIONAL SERIES, TITLE, AND GRADE DETERMINATIONS: is amended to read as follows:

Subparagraph 3. Grade:

A. Nature of Assignment: This position provides advice and assistance to technicians, managers, and supervisors concerning employee relations matters including such programs as retirement, health and life insurance, incentive awards, suggestions, performance management systems, etc. The incumbent advises on issues that are sensitive; assists management on preparing disciplinary and adverse actions; and provides information on employee rights and obligations. This meets the GS-09 level of the standard that involves advisory services to include the explanation to supervisors and management representatives of the variety of formal and informal methods available to them to assist in carrying out their supervisory responsibilities. Advisory services at this level involve matters that require considerable analysis, are more concerned with substance than procedure, and seek to ascertain causes other than those apparent and to correct conditions having a general effect on the morale of the organizational element served.

B. Level of Responsibility: The supervisor assigns work outlining general work objectives and priorities and provides assistance on new or unusual problems. Work is reviewed for technician soundness and adequacy of recommendations and conclusions. This meets the GS-09 level of the standard in which the incumbent handles assignments independently which requires the selection and interpretation of appropriate applicable guidelines, along with providing advice on handling moderately complex problems.

Paragraph E. Conclusion: is amended to read as follows: This position is classified as a Supervisory Employee Relations Specialist, GS-230-09.

Classifier: Alicia I. Gayle

State: CA ARNG

Date: 5 May 99



(REQUESTOR'S OFFICE SYMBOL)

(DATE)

MEMORANDUM FOR: DIRECTORATE FOR HUMAN RESOURCES  
PO Box 269101, Sacramento, CA 95826-9101

SUBJECT: Supervisory Request for Position Review

1. As the immediate supervisor I am requesting a position review for the technician/technicians identified on the attached SF 52. The major duties and responsibilities for the subject position description (PD) have changed. Attached are the following:

a. Standard Form (SF-52) requesting a position review, with the following information: Name of the incumbent, PD number, title, series/grade, and the name of the incumbent.

b. Copy of the **current** position description

2. The following is an explanation of **how and what has changed** that initiates this request: Answer the following questions:

a. *How has the level of knowledge required to perform the position's duties changed?*

b. *Has supervisory requirements changed?*

c. *How has guidelines and operating procedures changed?*

d. *Explain how the complexities of duties changed.*

e. *How has the scope and effect of work changed?*

f. *Are there any **new** regular, recurring, and frequent duties required, which are not covered in the current position description? If so, list in order of importance.*

Encl  
as

(SIGNATURE)  
NAME, GRADE AND TITLE  
OF THE IMMEDIATE SUPERVISOR

## NOTIFICATION OF INDIVIDUAL REVIEW

CAJS-PC

(DATE)

### MEMORANDUM FOR

Subject: Notification of Position Review

1. Positions in the National Guard are constantly changing. New programs, different procedures, organizational changes and increased technician skill & knowledge are only a few ways that duties and responsibilities are affected. Therefore, positions are looked at periodically to assure equal pay for substantially equal work.

2. In accordance with the Technician Personnel Regulation 511, the Directorate for Human Resources has scheduled the following classification reviews:

(NAME OF INDIVIDUAL TO BE REVIEWED) (DATE AND TIME)  
(POSITION INFORMATION)  
(ORGANIZATION)

3. Supervisors are required to notify each technician as stated in paragraph 2 above of the pending review, date and time. The immediate supervisor will also insure each person to be reviewed has a copy of their current position description, NGB Form 430 (Technician Performance Appraisal Report) and has reviewed the enclosed "Position Review Guidelines".

4. The review will begin promptly at (TIME AND LOCATION) with all supervisors and technician to be reviewed in attendance. Reviews are scheduled for (APPOINTMENT TIMES). An exit briefing will be given to the supervisor(s) at end of the review, with a follow-up letter no-later-than (XX) days after completion of the review.

5. Should there be any questions, (NAME OF STATE CLASSIFIER), State Classifier, can be contacted at DSN CAGNET or Commercial.

Signature Block

Encl

Position Review ( A Guideline for Technicians)

## **POSITION REVIEWS**

### **(A GUIDELINE FOR TECHNICIANS)**

#### **WHAT IS A POSITION REVIEW?**

Position Reviews are a way of getting up-to-date facts about a position. Usually, the review/interview is held directly with the technician by a State Classifier of the Directorate for Human Resources or the NGB-HR Classification Division.

#### **IS IT IMPORTANT?**

The position review is one of the most critical steps in the position classification process. Positions are classified accurately only when the information about duties and responsibilities are correct and well understood.

#### **WHY AND WHEN IS A POSITION REVIEW CONDUCTED?**

Positions in the National Guard are constantly changing. New programs, new tools, different procedures, organizational changes, and increased technician skill and knowledge are only a few ways that duties and responsibilities are affected. Positions are looked at from time-to-time to assure equal pay for substantially equal work. Other examples are:

(1) Your position is identified for a position review during routine classification survey. Most jobs are found to be correctly classified even though some position descriptions are updated to show changes in the work that is done.

(2) New classification standards are to be applied to your position. There is a continuing program to revise position classification standards to reflect changes in work that is done by the Government. These new standards help keep the classification system current, and are applied as soon as possible after they are received by the Directorate for Human Resources.

(3) A position review is recommended by your supervisor. In between the periodic reviews, your supervisor may decide there have been major changes to your job and request a position review to determine if revisions are in order.

#### **WHAT IS YOUR ROLE IN A POSITION REVIEW?**

Be prepared for the review. The review is as important to you as almost any other kind of interview you may have in your career. Please do not treat it lightly. In most cases, the review will not take more than an hour or two of your time. You should make arrangements so that you will not be interrupted. Some privacy can be helpful if it is possible.

Be ready to demonstrate the factualness of the duties and responsibilities you are going to discuss with examples and illustrations. This is the time to put your best foot forward. The interview is not a time for modesty (or for exaggeration).

Here are some ways that you can help yourself and the interviewer to have complete and accurate information about your job.

You need some idea of what the interviewer wants. The important parts or “factors” of jobs are listed below to give you some general ideas. Some jobs, however, may require very specific information.

Eight basic job factors are still used in classifying most professional, technical, administrative, and clerical positions (General Schedule). They are:

- |   |                              |
|---|------------------------------|
| (1) Nature and variety of the work.             | (6) Originality.             |
| (2) Kind and extent of available guides.        | (7) Nature and scope of      |
| (3) Supervision received by the worker.         | recommendations, decisions,  |
| (4) Person to person work relationships.        | commitments and conclusions. |
| (5) Nature and extent of supervision exercised. | (8) Qualifications required. |

If a position has been classified using the Factor Evaluation System (FES) you will need information on the nine factors which comprise the FES for your position. The factors are for General Schedule:

- |  |                                 |
|--|---------------------------------|
| Factor 1 - Knowledge required by the position. | Factor 6 - Personal Contacts.   |
| Factor 2 - Supervisory controls.               | Factor 7 - Purpose of Contacts. |
| Factor 3 - Guidelines.                         | Factor 8 - Physical demands.    |
| Factor 4 - Complexity.                         | Factor 9 - Work environment.    |
| Factor 5 - Scope and Effect.                   |                                 |

For classifying trade, craft, or manual labor jobs (Federal Wage System), four basic factors are considered:

- |                          |                         |
|--------------------------|-------------------------|
| (1) Skill and knowledge. | (3) Responsibilities.   |
| (2) Physical effort.     | (4) Working conditions. |

Think about your position. How does it relate to the basic elements shown above? Do you find that your present position description is a reflection of your job? Is it accurate? What kind of assignments have you had in the last year? Can you group these into several categories so that you can talk about the different kinds of work that you do? What are the major duties, those that take most of your time and are related to the reason for your job? What are the minor duties? Have you had one-time only assignments? What were they? Can you determine rough percentages of time for the major categories of work that you do? What kind of responsibilities do you have? What written guidelines

do you refer to? How does your supervisor review completed work? Organize the information about your job. Don't worry about the way that a position description may be written.

What is important is the way that you want to tell someone about your job. What do you think is really important about the work that you do, or what is critical about responsibilities? Where you start is not important but be sure that you don't miss telling about some part of your job that is important. To avoid this pitfall, it is sometimes helpful to make some notes before the interview, or to outline how you want to tell the story. It might be helpful to write down reference numbers to the kinds of written guides you use. Having samples of your work at hand is sometimes useful.

Remember that it's your job that will be classified, not you as a person. Over the years there has been some "mystery" about job classification, and there are many misunderstandings about what is important. There are several issues that come up frequently; factors that cannot be considered when positions are classified. Some examples are:

The qualifications of the person on the job: The work is classified, not the abilities of people.

Accuracy required on the job: Every technician is expected to do accurate work.

**SAMPLE**  
**POSITION REVIEW QUESTIONNAIRE**  
**FOR**  
**SUPERVISORY POSITIONS**

Your position has been identified for a position review to ensure that the proper title, pay plan, occupational series, grade and position description are correct based on your current duties and responsibilities. This review questionnaire is the first step in the process of reviewing your position. Responses may be handwritten or typed.

In some cases, your responses will be sufficient to make a classification decision. If an on-site review is deemed necessary, your answers will be used to establish the focus of the review, i.e. to clarify your responses, expand the scope of your responses, and see examples of your work. The goal is to ensure that your position has received a comprehensive evaluation prior to making any classification decisions.

Additional positions in the organization may be reviewed if your duties and responsibilities impact and overlap on those contained in other positions in the organizations.

Personal Information

Name:

---

Full-time Unit/Function:

---

Phone Number:

Commercial: \_\_\_\_\_ DSN: \_\_\_\_\_ CAGNET: \_\_\_\_\_

Current PD Title, Series, Grade, & No.:

---

Length of Time in This Position:

---

Length of Time in Branch/Section:

---

Military Assignment: Military Unit: \_\_\_\_\_ AFSC/MOS: \_\_\_\_\_

1. What is the primary mission of the organizational unit that you supervise or manage?

---

---

---

---

---

2. List the names, titles, series, and grades of technicians (also include AGRs and State employees) directly under your supervision (do not include employees who are supervised by subordinate supervisors who report to you).

---

---

---

---

---

---

---

3. Do you utilize subordinate supervisors or work leaders for direction or surveillance of the functions or programs for which you are responsible? If the answer is yes, specify whether it is a leader and/or supervisor and the programs he/she are responsible for.

---

---

---

4. What percentage of your time do you spend performing the following activities:

a. Planning work to be accomplished by subordinates. \_\_\_\_\_

b. Assigning, reviewing, inspecting, etc., work of subordinates. \_\_\_\_\_

c. Evaluating work performance, counseling/advising, resolving complaints, identifying training and development needs, interviewing candidates for positions, initiating personnel actions, etc. \_\_\_\_\_

d. On your own technical work as a supervisor. \_\_\_\_\_

5. What do you look for when you review the work of your subordinates (i.e. technical accuracy, completeness, conformance with established policy, responsiveness, etc.)?

---

---

---

---

6. What kinds of decisions do you make on your job?

---

---

---

---

---

7. What contacts do you have with other offices within your agency, outside the agency, and for what purpose?

---

---

---



8. What kind(s) of finished product(s) are you responsible (i.e. studies, analysis, reports, correspondence, etc.)? Describe and give examples or workload statistics, as applicable.

---

---

---

---

9. To whom do you report and what kind of guidance does he/she give you for the performance of your job?

---

---

---

---

10. What guidelines (laws, regulations, policies, etc.) do you use to accomplish the work of your position?

---

---

---

11. What functions of a non-supervisory nature do you personally perform?

---

---

---

---

12. When you are not at your job, who assumes your responsibilities (give name, position, and grade)?

---

13. What kind of qualifications did you have to get your present position?

---

---

---

14. Are there any additional factors which impact the nature and difficulty of your job?

---

---

---

---

15. How do you feel your job could be improved?

---

---

---

16. Do you have any classification questions that you would like answered during your review?

---

---

17. Is there anything else you feel the State Classifier should know prior to completion of this review?

---

---

SAMPLE

**POSITION REVIEW QUESTIONNAIRE  
FOR  
NON-SUPERVISORY POSITIONS**

Your position has been identified for a position review to ensure that the proper pay plan, occupational series, grade and position description are utilized correctly based on your current duties and responsibilities. This questionnaire was designed as the first step in the process of reviewing your position. Responses may be handwritten or typed.

In some cases, the written responses will be enough to make a classification decision. If an on-site review is deemed necessary, your written responses will be used to establish the focus of your review, i.e., we will seek to clarify your responses, expand the scope of your responses, and see examples of your work.

Additional positions in the organization may require a position review if your duties and responsibilities impact and overlap on those contained in other positions in the organizations.

Personal Information

Name:

---

Full-time Unit/Function:

---

Phone Number:

Commercial: \_\_\_\_\_ DSN: \_\_\_\_\_ CAGNET: \_\_\_\_\_

Current PD Title, Series, Grade, & No.:

---

Length of Time in This Position:

---

Length of Time in Branch/Section:

---

Military Assignment: Military Unit: \_\_\_\_\_ AFSC/MOS: \_\_\_\_\_

1. What is the primary mission of the organizational unit?

---

---

---

---

---

---

2. List the major functions/duties you perform in your job. Estimate the percentage of time spent on each over a one-year period, or the amount of time in an average week or other period, whichever is more appropriate to your job.

<u>Functions/Duties</u>	<u>Percentage</u>
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____
f. _____	_____
g. _____	_____

3. How do you see the function of your job as it relates to the activity of your agency?

---

---

4. How do you get your assignments?

---

---

5. Who reviews and approves your work?

---

6. Who signs your work products?

---

7. What types of decisions or judgments do you make in performing your job?

---

---

---

---

8. Are you responsible for the approval of work products or official documents? (If yes, list only those documents for which you have signatory authority.)

---

---

---

9. What guidelines (handbook, manuals, regulation, etc.) do you use in performing your job?

---

---

---

10. Do you feel that the guidelines you use would present any significant problems as to their interpretation to a user who lacks extensive subject matter knowledge? If so, explain why.

---

---

---

11. What contacts do you have with other offices within the agency, outside the agency, and what is the purpose of these contacts?

---

---

---

12. What do you consider the most important function(s) or aspect(s) of your job? Explain:

---

---

---

13. Do you supervise or oversee the work of anyone? If so, who and in what manner (List name(s), position(s) and grade(s).

---

---

---

14. Who does your job when you're not there? (Give name, position, and grade.)

---

15. What kind of qualifications did you have to get your present job (specialized experience, skill, knowledges, training, etc.)

---

---

---

16. Are there any additional facts which impact on the nature and difficulty of your job?

---

---

---

17. How do you feel your job could be improved?

---

---

---

18. Do you have any classification questions that you would like answered during your review?

---

---

---

---

19. Is there anything else you feel the State Classifier should know prior to completion of this review?

---

---

## CHAPTER 3

### **EMPLOYMENT (PLACEMENT ACTIONS)**

#### **3-1. INTRODUCTION:**

On 1 January 1969, the legislation known as The National Guard Technicians Act of 1968 converted approximately 42,000 National Guard technicians from State to Federal status. Codified as Section 709 of 32 United States Code, technicians became Federal employees of the Department of the Army or Department of the Air Force.

#### **3-2. EMPLOYMENT IN THE CALIFORNIA NATIONAL GUARD:**

a. Excepted Civil Service technicians must be Federally recognized members of the California Army National Guard or California Air National Guard as appropriate and assigned to an appropriate unit, and maintain active military reserve status as specified by the appropriate compatibility listing.

b. Excepted technicians are required to wear the appropriate military uniform to include grade insignia, name tags, etc., and maintain acceptable grooming standards as specified by the U.S. Air Force or U.S. Army.

c. Competitive Civil Service: Competitive technicians are not required to be members of the California National Guard as a condition of employment.

#### **3-3. SECURITY CLEARANCES:**

a. *National Agency Checks:* A National Agency Check (NAC), basis for assigning a level of clearance, will be accomplished on every permanent employee (both excepted and competitive). In addition, a NAC will be required for temporary employees who are on an appointment for 6 months or more.

b. A technician is subject to the personnel security requirements in accordance with Technician Personnel Manual (TPR) 700(732.1). The supervisor or nominating official must request a Secret or Top Secret Security Clearance, if required by the position sensitivity.

c. *Position Sensitivity:*

(1) Security programs for technicians filling competitive positions and the designation of position sensitivity will be administered and processed in accordance



with the Departments of the Army and the Air Force regulations governing the civilian security program.

(2) Security programs for military technicians who are employed in positions in which National Guard membership is required as a condition of employment will be administered IAW Department of the Army, Department of the Air Force, and National Guard regulations governing the military security program. The security clearance granted for a military assignment constitutes the level of clearance allowed in the compatible military technician position. If a personnel action, position change, or compatibility waiver requires a different degree of security clearance, the supervisor will secure the security clearance that is required for the position through the military security office. Upon completion of the security clearance, the supervisor will forward a letter (see Enclosure 3-12 at the end of the chapter) to the Directorate for Human Resources.

(3) There are four (4) sensitivity levels for technician positions. These levels and the degree of risk to the national security associated with each are indicated below:

SENSITIVITY LEVELS		NATIONAL SECURITY RISK
4	<b>Special-Sensitive(SS)</b> Access higher than(CS)	Potential for inestimable damage
3	<b>Critical-Sensitive (CS)</b> Access to Top Secret Information	Potential for exceptionally grave damage
2	<b>Non-Critical-Sensitive (NCS)</b> Access to Secret or Confidential Information	Potential for serious damage to potential for damage
1	<b>Non-Sensitive (NS)</b> Includes all positions not falling into one of the above sensitivity levels	Potentially prejudicial

#### 3-4. PROMOTION AND INTERNAL PLACEMENT:

See Merit Placement Plan - Annex A

### **3-5. EMPLOYMENT OF RELATIVES:**

Federal law provides that a public official may not appoint, promote, employ, or advance one's relatives or the relative of a public official who exercises jurisdiction or control over his/her agency, if the public official has advocated the appointment, employment, promotion or advancement of that relative.

a. Relative means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

b. Public official means an officer, an employee, or any other individual in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals.

### **3-6. PERMANENT AND INDEFINITE APPOINTMENTS:**

a. Appointments of California National Guard Technicians are accomplished by the Directorate for Human Resources based on nominations from supervisors indicated below:

(1) Air Commanders, 162nd Combat Communications Group Commander, and Detachment Commanders, or their designated representative.

(2) Supervisory Logistics Management Specialist.

(3) Heavy Mobile Equipment Mechanic Supervisor of Combined Support Maintenance Shops.

(4) Heavy Mobile Equipment Mechanic Supervisor of Mobilization and Training Equipment Sites.

(5) Aircraft Pilot Supervisor of the AASF, Supervisory Aircraft Pilot, AFRC, and AVCRAD.

(6) Administrative Officers or other designated supervisors at battalion and higher level headquarters.

(7) Command Administrative Officer, Chief of Staffs, Director of Plans, Operations and Training, Director of State Maintenance Office, Director of Logistics, Director of Facilities, Director of Military Personnel, Director of Human Resources, Executive Support Staff Officer and Supervisory Personnel Management Specialists.

(8) Facility Manager at Training Sites.

b. A Nomination Package will be prepared on all permanent and indefinite technicians, and forwarded through channels to this Headquarters, ATTN: CAJS-HR-PS.

The nomination must be accompanied by the following documents:

- Nomination for Technician Employment (CAL NG Form 690-2) (See Enclosure 3-1 at the end of the chapter).
- Appointment Affidavit (SF-61) (See Enclosure 3-2 at the end of the chapter).
- Declaration of Appointee (SF-61B) (See Enclosure 3-3 at the end of the chapter).
- Employees Withholding Exemption Certificate (W-4) (See Enclosure 3-4 at the end of the chapter).
- Direct Deposit Sign-up Form (SF-1199A) (See Enclosure 3-5 at the end of the chapter).
- Technician Performance Appraisal Report (CAL NG Form 430). The Directorate for Human Resources must have original signatures (See Enclosure 3-6 at the end of the chapter).
- Pre-Appointment Certification Statement for Selective Service Registration (See Enclosure 3-7 at the end of the chapter).
- Employment Eligibility Verification (DOJ FM I-9) (See Enclosure 3-8 at the end of the chapter).
- Statement of Prior Federal Service (SF-144) (When prior Federal Competitive, Excepted or Military service is claimed) (See Enclosure 3-9 at the end of the chapter).
- Race and National Origin Identification (SF-181) (See Enclosure 3-10 at the end of the chapter).
- Self-Identification of Handicap (SF-256) (See Enclosure 3-11 at the end of the chapter).
- Security Certification (See Enclosure 3-12 at the end of the chapter).
- Application for Federal Appointment (SF-171); Optional Application for Federal Employment (OF-612); or resume.

- Certificate of Release of Discharge from Active Duty for Armed Forces active duty claimed (DD-214). (May be provided subsequent to employment.)

c. After receipt of the above properly completed documents, the Directorate for Human Resources will issue a SF-50 (Notification of Personnel Action) effecting the appointment.

d. Generally, the effective date for appointment of all technicians will be on a Sunday. If Monday is a holiday, the effective date of appointment will be Tuesday (depending on the technician's work schedule). Technicians may be employed on a Sunday prior to a Monday holiday, if they are scheduled to work on Sunday or Monday. **THE OFFICIAL EFFECTIVE DATE MUST BE CONFIRMED WITH THE DIRECTORATE FOR HUMAN RESOURCES STATE STAFFING SPECIALIST PRIOR TO THE TECHNICIAN'S FIRST DAY OF WORK.**

e. The Directorate for Human Resources must receive the following additional documents (see Chapter 4 for more details):

- Health Benefits Registration Form (SF-2809). DO NOT COMPLETE PART F OF THIS FORM. The form must be completed even if a technician declines health coverage. Part A and D-1 must be completed for declination of coverage.
- Applications for the income protection plans available, if elected by the technician, and all copies forwarded to the Directorate for Human Resources.
- Life Insurance Election (SF-2817), completed and signed by the individual. If the new technician fails to waive coverage prior to the end of the first full pay period after appointment, they will receive basic life insurance coverage (with corresponding payroll deduction) until a declination is received in the Directorate for Human Resources.
- Dental Insurance. Check with health care provider (Federal Employees Health Benefits) for dental coverage.

f. Temporary Appointment/Extension of Temporary Appointment. All appointment nominations for temporary technicians and SF-52s requesting extension of temporary technicians must contain a reason for the appointment/extension. Reasons may include, but are not limited to: Preparation for inspection; temporary increased workload; awaiting permanent selection in position recently vacated, or to accomplish special project. The following documents are required for nomination of technicians for temporary appointments:

- Nomination for Technician Employment (CAL NG Form 690-2) (See Enclosure 3-1 at the end of the chapter).

- Appointment Affidavit (SF-61) (See Enclosure 3-2 at the end of the chapter).
- Declaration of Appointee (SF-61B) (See Enclosure 3-3 at the end of the chapter).
- Employees Withholding Exemption Certificate (W-4) (See Enclosure 3-4 at the end of the chapter).
- Direct Deposit Sign-up Form (SF-1199A) (See Enclosure 3-5 at the end of the chapter).
- Technician Performance Appraisal Report (CAL NG Form 430). The Directorate for Human Resources must have original signatures (See Enclosure 3-6 at the end of the chapter).
- Pre-Appointment Certification Statement for Selective Service Registration (See Enclosure 3-7 at the end of the chapter).
- Employment Eligibility Verification (DOJ FM I-9) (See Enclosure 3-8 at the end of the chapter).
- Statement of Prior Federal Service (SF-144) (When prior Federal Competitive, Excepted or Military service is claimed) (See Enclosure 3-9 at the end of the chapter).
- Race and National Origin Identification (SF-181) (See Enclosure 3-10 at the end of the chapter).
- Self-Identification of Handicap (SF-256) (See Enclosure 3-11 at the end of the chapter).
- Security Certification (See Enclosure 3-12 at the end of the chapter).
- Temporary Employment Statement (See Enclosure 3-13 at the end of the chapter).
- Application for Federal Appointment (SF-171); Optional Application for Federal Employment (OF-612); or resume.
- Certificate of Release of Discharge from Active Duty for Armed Forces active duty claimed (DD-214). (May be provided subsequent to employment.)

### 3-7. TECHNICIAN STATUS CHANGE:

Selection of technicians for promotion and/or reassignment to a position of known promotion potential will be made in accordance with the Merit Placement Plan (Annex A).

#### a. *Technician Status Change Definitions:*

(1) *Details:* A detail is a **TEMPORARY** action, intended to meet short-term needs, when other personnel actions, such as reassignment or promotion, would not satisfy those needs. Details can be to positions of a higher grade (not to exceed 120 days in a 12 month period, is cumulative and includes temporary promotion actions) lower grade, the same grade, and/or just to a statement of duties (unestablished position). Details are for the purpose of emergency workload, absence of incumbents, changes in mission, or filling positions that are pending classification and authorization. (NOTE: A position is not filled by a detailed technician. The technician remains an incumbent of the position from which he/she was detailed and the position can not be filled on a permanent basis. The technician does not have to meet qualification or military compatibility requirements for the position to which he/she is detailed.

(2) *Reassignments:* Reassignment is the movement of a technician to a different position at the same or equivalent grade, with the same rate of pay, and with no known promotion potential. Technicians must meet all qualification and compatibility requirements for the position to which being reassigned. Reassignment to positions with known promotion potential require competition in accordance with the Merit Placement Plan (Annex A). A management directed reassignment does not mean a change to lower grade with retained grade/pay. It does include the movement of a technician from a position with potential for noncompetitive promotion to a position without that potential. There must be a valid reason for a management directed reassignment. (For example: a need for the technician's skills elsewhere; action taken to avoid a reduction in force, etc.)

(3) *Promotions:* Promotion is the movement of a technician to a position of higher grade which may also include a higher degree of responsibility and/or authority. Promotions may be permanent or temporary not to exceed 120 days in a 12 month period (unless position is announced and competed). All promotion actions are subject to Merit Placement Plan (Annex A).

(4) *Change to Lower Grade (CLG):* Change to lower grade moves a technician to a position at a lower grade when both the old and new positions are under the General Schedule or under the same type graded wage schedule, or to a position with a

lower rate of basic pay. A technician's change to lower grade must be a result of: (1) selection through the Merit Placement Plan, (2) the technician's request, (3) a medical condition, (4) a performance based action, or, (5) a conduct based action. The technician **would not** be entitled to any regulatory provisions of grade and/or pay retention. Management may **request** a technician to consider a voluntary change to lower grade and, if accepted, grant grade and pay retention.

(5) *Position Change (PSN CHG)*: Position change is a move from one position to another position when the move establishes the technician's eligibility for grade and pay retention (under 5 U.S.C. 5362, 5363) i.e., a management **requested** change to lower grade. It is also a position change when a technician, who is already entitled to grade retention, moves to another position at or below his/her retained grade.

b. *Procedures*: Status changes are requested by supervisors utilizing the SF-52 (Request for Personnel Action). Compatibility information must be on the SF-52, i.e., Duty AFSC/MOS/SSI/grade, paragraph and line number, title and military unit of assignment. The Technician Performance Appraisal Report (NGB Form 430), must accompany the SF-52 when a change in position occurs, such as promotion, reassignment, change to lower grade or detail. The Technician Performance Appraisal Report must be signed by the technician and supervisor. Status changes are effective at the beginning of a pay period and the request for personnel **action must be received by the Directorate for Human Resources 10 working days prior to the proposed effective date**. The following remarks must be on all SF-52's:

(1) I certify that this Position Description is an accurate statement of major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

(2) I certify that this technician is in a compatible MOS/AFSC and this action does not cause grade inversion. (Supervisor's signature)

(3) I certify that funds are available for this position. (Comptroller's signature if Air position, Fund manager signature is Army position)

**Requests for Personnel Action, SF-52s will not be accepted at any time if faxed except with prior approval from the Directorate for Human Resources. Faxed applications for employment will be accepted only when a non-government fax machine is used and at no expense to the government.**

### **3-8. APPOINTMENT/ASSIGNMENT OF TRAINEES:** (See Chapter 2 for more details)

Technicians employed as trainees may be non-competitively promoted when they attain the full qualifications/prerequisites for their position, are recommended for promotion by their supervisor, and are performing the full range of duties of the position. Promotion from trainee status (from grade to grade) will be determined by qualification **and** certification of fully acceptable performance.



## Enclosure 3-1

NOMINATION FOR TECHNICIAN EMPLOYMENT			
NAME:		DOB:	SSAN:
PAY PLAN:	SERIES:	GRADE:	TITLE:
ARMY PARAGRAPH/LINE NUMBER:	AIR FAC CODE/LINE NUMBER:	POSITION DESCRIPTION NUMBER:	
MILITARY GRADE/TITLE:			MOS/AFSC:
UNIT/ACTIVITY ADDRESS:		PROPOSED EFFECTIVE DATE:	
TO BE COMPLETED BY NOMINATING SUPERVISOR			
DATE:	TEL NO:	NAME/TITLE:	SIGNATURE
CERTIFICATION OF FUND AVAILABILITY			
NAME/TITLE:	DATE:	SIGNATURE	
HUMAN RESOURCE OFFICE USE ONLY			
NOA:		AUTH:	
PP/GRADE/SERIES/STEP:			
SALARY (Basic):	LOCALITY:	TOTAL:	
POSITION NUMBER:		EFFECTIVE DATE:	
APPROVALS			
OFFICE	SIGNATURE/INITIALS		DATE
REMARKS:			

# APPOINTMENT AFFIDAVITS

\_\_\_\_\_  
(Position to which appointed) (Date of appointment)

\_\_\_\_\_  
(Department or agency) (Bureau or Division) (Place of employment)

I, \_\_\_\_\_, do solemnly swear (or affirm) that—

## A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

## B. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

## C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

\_\_\_\_\_  
(Signature of appointee)

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

at \_\_\_\_\_  
(City) (State)

[SEAL]

\_\_\_\_\_  
(Signature of officer)

Commission expires \_\_\_\_\_  
(If by a Notary Public, the date of expiration of his/her Commission should be shown) (Title)

NOTE.—The oath of office must be administered by a person specified in 5 U.S.C. 2903. The words "So help me God" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.

**Declaration Of Appointee**  
(Data Needed For Appointment Or Conversion)OMB Approved  
No. 3208-0182  
Expires: 10/31/91  
\*See Reverse Side For Public  
Burden Statement**INSTRUCTIONS TO APPOINTEE:** Answer all questions. Your answers will be considered together with other information in your record in determining your present fitness for Federal employment. A false statement or dishonest answer to any question may be grounds for dismissal after appointment or conversion and is punishable by law. Type, print or write legibly in ink. See Privacy Act statement on reverse.

1. Name (Last, First, Middle)		2. Present Address (Number, Street, City, State and ZIP Code)	
3. Social Security Number	4. Birthdate (Month/Day/Year)		
5-A. Emergency Notification-First Person (Name/Addr.)		5-B. Second Person (Name and Address)	
Relationship		Relationship	
Telephone Number		Telephone Number	
6. Since the date you signed your application, have any of your relatives (by blood or marriage) begun to work for the United States Government or the United States Armed Forces? If "Yes," provide details below.		YES NO	
Name	Relationship	Department, Agency or Branch of Armed Forces	

ANSWER BY PLACING AN "X" IN THE PROPER COLUMN. PROVIDE DETAILED ANSWERS ON REVERSE SIDE.		Y E S	N O	ANSWER BY PLACING AN "X" IN THE PROPER COLUMN. PROVIDE DETAILED ANSWERS ON REVERSE SIDE.		Y E S	N O
7. Are you a citizen of the United States? If "No," give country or countries of which you are a citizen.  SINCE THE DATE YOU SIGNED YOUR APPLICATION FOR THIS POSITION, HAVE YOU:				14. Have you been employed by the Federal Government before this employment? If "No," go to Item 15. If "Yes," answer the following:  A. Since March 1981 have you filed a waiver of basic insurance coverage under the Federal Employees' Group Life Insurance Program? If "Yes," complete Item B. If "No," go to Item C.  B. If you filed such a waiver, has it been cancelled? If "No," go to Item 15.  C. Since March 1981 have you ever elected Standard Optional Insurance under the Federal Employees' Group Life Insurance Program? If "Yes," complete Item D. If "No," go to Item E.  D. If you made such an election, has it been cancelled?  E. Since March 1981 have you ever elected Additional/Optional Insurance under the Federal Employees' Group Life Insurance Program? If "Yes," complete Item F. If "No," go to Item G.  F. If you made such an election, how many multiples of salary did you have when you separated or converted?  <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> Cancelled Before Separation  G. Since March 1981 have you ever elected Family Optional Insurance under the Federal Employees' Group Life Insurance Program? If "Yes," complete Item H. If "No," go to Item 15.  H. If you made such an election, has it been cancelled?			
8. Applied for or begun to receive retirement pay, pension, or other pay based on military, Federal civilian, or District of Columbia Government service?							
9. Become delinquent on any Federal debt? (Include delinquencies arising from Federal taxes, loans, overpayment of benefits, and other debts to the U.S. Government, plus defaults on Federally guaranteed or insured loans, such as student and home mortgage loans.)							
10. Pleaded "no contest" to or forfeited collateral for, or been convicted of an offense against the law, or are you now under charges for any offense against the law? Omit: 1) traffic fines of \$100.00 or less; 2) any violation of law committed before your 16th birthday; 3) any violation of law committed before your 18th birthday, if finally decided in juvenile court or under a Youth Offender law; 4) any conviction set aside under the Federal Youth Corrections Act or similar State law; 5) any conviction whose record was expunged under Federal or State law?							
11. Been convicted by a military court-martial?							
12. Been discharged from the Armed Service under other than honorable conditions? (Omit any discharge changed to honorable or general by a Discharge Review Board or similar authority.)							
13. Been fired from any job for any reason or quit after being told you would be fired, or left by mutual agreement because of a specific problem?							
IF YOU ANSWERED "YES" TO THE QUESTIONS INDICATED BELOW, PROVIDE THE INFORMATION REQUESTED ON THE REVERSE SIDE OF THIS SHEET:  9. Explain the type, length, and amount of delinquency or default, and the steps you are taking to correct errors or repay the debt. Give any identification number associated with the debt and the address of the Federal agency involved.  10. or 11. Explain each violation. Give place of occurrence and name/address of police or court involved.  12. Give branch of service, type of discharge, and date.				CERTIFICATION: I certify that all of the answers to the questions above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.			
				15. Signature of Appointee (Sign in ink.)			
				APPOINTING OFFICER: Enter Date of Appointment or Conversion			

## 50

**Form W-4 (2000)**

**Purpose.** Complete Form W-4 so your employer can withhold the correct Federal income tax from your pay. Because your tax situation may change, you may want to refigure your withholding each year.

**Exemption from withholding.** If you are exempt, complete only lines 1, 2, 3, 4, and 7, and sign the form to validate it. Your exemption for 2000 expires February 16, 2001.

**Note:** You cannot claim exemption from withholding if (1) your income exceeds \$700 and includes more than \$250 of unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.

**Basic instructions.** If you are not exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 adjust your withholding allowances based on itemized

deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply. They will help you figure the number of withholding allowances you are entitled to claim. **However, you may claim fewer (or zero) allowances.**

**Child tax and higher education credits.** For details on adjusting withholding for these and other credits, see Pub. 919, How Do I Adjust My Tax Withholding?

**Head of household.** Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See line E below.

**Nonwage income.** If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax.

**Two earners/two jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 prepared for the highest paying job and zero allowances are claimed for the others.

**Check your withholding.** After your Form W-4 takes effect, use Pub. 919 to see how the dollar amount you are having withheld compares to your projected total tax for 2000. Get Pub. 919 especially if you used the **Two-Earner/Two-Job Worksheet** on page 2 and your earnings exceed \$150,000 (Single) or \$200,000 (Married).

**Recent name change?** If your name on line 1 differs from that shown on your social security card, call 1-800-772-1213 for a new social security card.

**Personal Allowances Worksheet (Keep for your records.)**

- A Enter "1" for yourself if no one else can claim you as a dependent . . . . . A \_\_\_\_\_
- B Enter "1" if:   
     • You are single and have only one job; or   
     • You are married, have only one job, and your spouse does not work; or   
     • Your wages from a second job or your spouse's wages (or the total of both) are \$1,000 or less. . . . . B \_\_\_\_\_
- C Enter "1" for your spouse. But, you may choose to enter -0- if you are married and have either a working spouse or more than one job. (Entering -0- may help you avoid having too little tax withheld.) . . . . . C \_\_\_\_\_
- D Enter number of dependents (other than your spouse or yourself) you will claim on your tax return. . . . . D \_\_\_\_\_
- E Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above) . . . . . E \_\_\_\_\_
- F Enter "1" if you have at least \$1,500 of child or dependent care expenses for which you plan to claim a credit . . . . . F \_\_\_\_\_
- G **Child Tax Credit:**   
     • If your total income will be between \$18,000 and \$50,000 (\$23,000 and \$63,000 if married), enter "1" for each eligible child.   
     • If your total income will be between \$50,000 and \$80,000 (\$63,000 and \$115,000 if married), enter "1" if you have two eligible children, enter "2" if you have three or four eligible children, or enter "3" if you have five or more eligible children . . . . . G \_\_\_\_\_
- H Add lines A through G and enter total here. **Note:** This may be different from the number of exemptions you claim on your tax return. ► H \_\_\_\_\_
- For accuracy, complete all worksheets that apply.   
     • If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the **Deductions and Adjustments Worksheet** on page 2.   
     • If you are single, have more than one job and your combined earnings from all jobs exceed \$34,000, OR if you are married and have a working spouse or more than one job and the combined earnings from all jobs exceed \$60,000, see the **Two-Earner/Two-Job Worksheet** on page 2 to avoid having too little tax withheld.   
     • If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.

----- Cut here and give Form W-4 to your employer. Keep the top part for your records. -----

Form **W-4**  
Department of the Treasury  
Internal Revenue Service

**Employee's Withholding Allowance Certificate**

OMB No. 1545-0010

**2000**

► For Privacy Act and Paperwork Reduction Act Notice, see page 2.

1 Type or print your first name and middle initial		Last name		2 Your social security number	
Home address (number and street or rural route)				3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box.	
City or town, state, and ZIP code				4 If your last name differs from that on your social security card, check here. You must call 1-800-772-1213 for a new card . . . . . <input type="checkbox"/>	
5 Total number of allowances you are claiming (from line H above OR from the applicable worksheet on page 2)					5
6 Additional amount, if any, you want withheld from each paycheck. . . . .					6 \$
7 I claim exemption from withholding for 2000, and I certify that I meet BOTH of the following conditions for exemption: • Last year I had a right to a refund of ALL Federal income tax withheld because I had NO tax liability AND • This year I expect a refund of ALL Federal income tax withheld because I expect to have NO tax liability. If you meet both conditions, write "EXEMPT" here. . . . . ► 7					
Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate, or I am entitled to claim exempt status.					
Employee's signature (Form is not valid unless you sign it) ►				Date ►	
8 Employer's name and address (Employer: Complete lines 8 and 10 only if sending to the IRS.)				9 Office code (optional)	
				10 Employer identification number	

Cat. No. 10220Q

**Deductions and Adjustments Worksheet****Note:** Use this worksheet only if you plan to itemize deductions or claim adjustments to income on your 2000 tax return.

- 1 Enter an estimate of your 2000 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes, medical expenses in excess of 7.5% of your income, and miscellaneous deductions. (For 2000, you may have to reduce your itemized deductions if your income is over \$128,950 (\$64,475 if married filing separately). See **Worksheet 3** in Pub. 919 for details.) . . . 1 \$ \_\_\_\_\_
- 2 Enter:  $\left\{ \begin{array}{l} \$7,350 \text{ if married filing jointly or qualifying widow(er)} \\ \$6,450 \text{ if head of household} \\ \$4,400 \text{ if single} \\ \$3,675 \text{ if married filing separately} \end{array} \right\}$  . . . . . 2 \$ \_\_\_\_\_
- 3 Subtract line 2 from line 1. If line 2 is greater than line 1, enter -0- . . . . . 3 \$ \_\_\_\_\_
- 4 Enter an estimate of your 2000 adjustments to income, including alimony, deductible IRA contributions, and student loan interest . . . . . 4 \$ \_\_\_\_\_
- 5 Add lines 3 and 4 and enter the total (Include any amount for credits from **Worksheet 7** in Pub. 919.) . . . . . 5 \$ \_\_\_\_\_
- 6 Enter an estimate of your 2000 nonwage income (such as dividends or interest) . . . . . 6 \$ \_\_\_\_\_
- 7 Subtract line 6 from line 5. Enter the result, but not less than -0- . . . . . 7 \$ \_\_\_\_\_
- 8 Divide the amount on line 7 by \$3,000 and enter the result here. Drop any fraction . . . . . 8 \_\_\_\_\_
- 9 Enter the number from the **Personal Allowances Worksheet**, line H, page 1 . . . . . 9 \_\_\_\_\_
- 10 Add lines 8 and 9 and enter the total here. If you plan to use the **Two-Earner/Two-Job Worksheet**, also enter this total on line 1 below. Otherwise, stop here and enter this total on Form W-4, line 5, page 1 . . . . . 10 \_\_\_\_\_

**Two-Earner/Two-Job Worksheet****Note:** Use this worksheet only if the instructions under line H on page 1 direct you here.

- 1 Enter the number from line H, page 1 (or from line 10 above if you used the **Deductions and Adjustments Worksheet**) . . . . . 1 \_\_\_\_\_
- 2 Find the number in **Table 1** below that applies to the **LOWEST** paying job and enter it here . . . . . 2 \_\_\_\_\_
- 3 If line 1 is **MORE THAN OR EQUAL TO** line 2, subtract line 2 from line 1. Enter the result here (if zero, enter -0-) and on Form W-4, line 5, page 1. Do not use the rest of this worksheet . . . . . 3 \_\_\_\_\_

**Note:** If line 1 is **LESS THAN** line 2, enter -0- on Form W-4, line 5, page 1. Complete lines 4-9 below to calculate the additional withholding amount necessary to avoid a year end tax bill.

- 4 Enter the number from line 2 of this worksheet. . . . . 4 \_\_\_\_\_
- 5 Enter the number from line 1 of this worksheet. . . . . 5 \_\_\_\_\_
- 6 Subtract line 5 from line 4 . . . . . 6 \_\_\_\_\_
- 7 Find the amount in **Table 2** below that applies to the **HIGHEST** paying job and enter it here . . . . . 7 \$ \_\_\_\_\_
- 8 Multiply line 7 by line 6 and enter the result here. This is the additional annual withholding needed. . . . . 8 \$ \_\_\_\_\_
- 9 Divide line 8 by the number of pay periods remaining in 2000. For example, divide by 26 if you are paid every other week and you complete this form in December 1999. Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck. . . . . 9 \$ \_\_\_\_\_

**Table 1: Two-Earner/Two-Job Worksheet**

Married Filing Jointly				All Others			
If wages from LOWEST paying job are—	Enter on line 2 above	If wages from LOWEST paying job are—	Enter on line 2 above	If wages from LOWEST paying job are—	Enter on line 2 above	If wages from LOWEST paying job are—	Enter on line 2 above
\$0 - \$4,000 . . . . . 0		41,001 - 45,000 . . . . . 8		\$0 - \$5,000 . . . . . 0		65,001 - 80,000 . . . . . 8	
4,001 - 7,000 . . . . . 1		45,001 - 55,000 . . . . . 9		5,001 - 11,000 . . . . . 1		80,001 - 100,000 . . . . . 9	
7,001 - 13,000 . . . . . 2		55,001 - 63,000 . . . . . 10		11,001 - 17,000 . . . . . 2		100,001 and over . . . . . 10	
13,001 - 19,000 . . . . . 3		63,001 - 70,000 . . . . . 11		17,001 - 22,000 . . . . . 3			
19,001 - 25,000 . . . . . 4		70,001 - 85,000 . . . . . 12		22,001 - 27,000 . . . . . 4			
25,001 - 31,000 . . . . . 5		85,001 - 100,000 . . . . . 13		27,001 - 40,000 . . . . . 5			
31,001 - 37,000 . . . . . 6		100,001 - 110,000 . . . . . 14		40,001 - 50,000 . . . . . 6			
37,001 - 41,000 . . . . . 7		110,001 and over . . . . . 15		50,001 - 65,000 . . . . . 7			

**Table 2: Two-Earner/Two-Job Worksheet**

Married Filing Jointly		All Others	
If wages from HIGHEST paying job are—	Enter on line 7 above	If wages from HIGHEST paying job are—	Enter on line 7 above
\$0 - \$50,000 . . . . . \$420		\$0 - \$30,000 . . . . . \$420	
50,001 - 100,000 . . . . . 780		30,001 - 60,000 . . . . . 780	
100,001 - 130,000 . . . . . 870		60,001 - 120,000 . . . . . 870	
130,001 - 250,000 . . . . . 1,000		120,001 - 270,000 . . . . . 1,000	
250,001 and over . . . . . 1,100		270,001 and over . . . . . 1,100	

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. The Internal Revenue Code requires this information under sections 3402(f)(2)(A) and 6109 and their regulations. Failure to provide a properly completed form will result in your being treated as a single person who claims no withholding allowances; providing fraudulent information may also subject you to penalties. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, to cities, states, and the District of Columbia for use in administering their tax laws, and for use in the National Directory of New Hires.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB

control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is: Recordkeeping 46 min., Learning about the law or the form 13 min., Preparing the form 59 min. If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. DO NOT send the tax form to this address. Instead, give it to your employer.





TECHNICIAN PERFORMANCE APPRAISAL REPORT		
<b>RATEE IDENTIFICATION DATA</b>		
Technician Name	SSAN	Title/Series/Grade
Duty Location	Rating Period	
<b>PART I. CRITICAL ELEMENTS (list no more than five)</b>		<b>Rating (Check appropriate Level)</b>
A.		<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
B.		<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
C.		<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
D.		<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
E.		<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
Performance Indicators: Check the applicable Critical Element Letter(s)		
<b>G. Quality</b>		ALL A B C D E
<b>1. Knowledge of Field or Profession</b> Maintains and demonstrates technical competence and or expertise in areas of assigned responsibility.		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>2. Accuracy and Thoroughness of Work</b> Plans, organizes and executes work logically. Anticipates and analyzes problems and determines appropriate solutions. Work is correct and complete.		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>3. Soundness of Judgement and Decisions</b> Assesses tasks objectively, researches and documents assignments carefully. Weighs alternative courses of action considering implications. Makes and executes timely decisions.		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>4. Effectiveness of Written Documents</b> Written work is clear, relevant, concise, well-organized, grammatically correct and appropriate to audience.		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>5. Effectiveness of Communications</b> Presentation meets objectives, is persuasive, tactful and appropriate to audience. Demonstrates attention, courtesy, and respect for all other points of view.		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>6. Timeliness of Meeting Deadlines</b> Completes in accordance with established deadlines.		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>7. Effectiveness of Supervision</b> Directs and coordinates activities of unit, assuring deadlines are met. Coaches, counsels, develops, and utilizes staff effectively, demonstrating a commitment to the work force.		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>8. Other (specify)</b>		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>



# Enclosure 3-6-2

T - Teamwork		ALL	A	B	C	D	E
1. Participation	Willingly participates in group activities, performing in a thorough and complete fashion. Communicates regularly with team members. Seeks team consensus.						
2. Leadership	Provides encouragement, guidance and direction to team members as needed. Adjusts style to fit situation.						
3. Cooperation	Supports team initiatives. Demonstrates respect for team members, accepts the views of others, and actively supports team decisions.						
4. Other (specify)							
C - Customer Service		ALL	A	B	C	D	E
1. Quality of Service	Delivers high quality products and service to both external and internal customers. Initiates and responds to suggestions for improving service.						
2. Timeliness of Service	Delivers quality products and services in accordance with time schedules agreed upon with customers.						
3. Courtesy	Treats external and internal customers with courtesy and respect. Customer satisfaction is high priority.						
4. Other (specify)							
<b>PART II. PROGRESSIVE REVIEW</b>							
Date of review and signature of technician and Rating Official. Six (6) month review required. This does not replace the requirement to record on NGB 904-1. DATE _____							
Rating Official Signature _____				Technician Signature _____			
<b>PART IIA. PROBATION REPORT</b>							
<input type="checkbox"/> Recommend Retention				<input type="checkbox"/> Recommend Non-Retention			
Rating Official Signature: _____				Technician Signature: _____			
Date Signed: _____				Date Signed: _____			
<b>PART III. SUMMARY RATING</b>							
<input type="checkbox"/> Fully Successful				<input type="checkbox"/> Unacceptable (Requires a summarization in the space below of the basis for the rating, if additional space is needed use page 3 of this form).			

PART IV. CERTIFICATION			
Technicians Signature certifies review and discussion with the Rating Official. It does not indicate concurrence with the information on this form.			
Critical Elements/Performance Indicators (Sign when established/updated)		Technician Performance Appraisal Report (Sign when rating is complete)	
Rating Official	Date	Rating Official	Date
Technician	Date	Approving Official	Date
		Technician	Date
(Additional Remarks)			

**PRE-APPOINTMENT CERTIFICATION STATEMENT FOR  
SELECTIVE SERVICE REGISTRATION**

**IMPORTANT NOTICE:**

If you are a male born after December 31, 1959, and you want to be employed by the Federal Government, you must (subject to certain exemptions) be registered with the Selective Service System.

**PRIVACY ACT STATEMENT:**

We need information on your registration with the Selective Service System to see whether you are affected by the laws we must follow in deciding who may be employed by the Federal Government.

**CRIMINAL PENALTY STATEMENT:**

A false statement by you may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 13, Section 1001).

**REVIEW:**

If your employing agency has informed you that you can not be appointed to a position in an executive agency because of failure to register, and you wish to establish that your non-compliance with the law was neither knowing nor willful, you may write to:

U.S. Office of Personnel Management  
NACI Center  
IOD-SAB  
Boyers, Pennsylvania 16018

**CERTIFICATION OF REGISTRATION STATUS:**

( ) I certify that I **am registered** with the Selective Service System.

( ) I certify that I **am not required** to be registered with the Selective Service System.

---

(Legal Signature in ink)

---

(Date Signed in ink)

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE.** It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification.** To be completed and signed by employee at the time employment begins

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.		I attest, under penalty of perjury, that I am (check one of the following): <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien # A _____) <input type="checkbox"/> An alien authorized to work until ____/____/____ (Alien # or Admission # _____)	
Employee's Signature			Date (month/day/year)

**Preparer and/or Translator Certification.** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

**Section 2. Employer Review and Verification.** To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C as listed on the reverse of this form and record the title, number and expiration date, if any, of the document(s)

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): ____/____/____		____/____/____		____/____/____
Document #: _____		_____		_____
Expiration Date (if any): ____/____/____		____/____/____		____/____/____

**CERTIFICATION** - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_\_/\_\_\_\_/\_\_\_\_ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment).

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name	Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

**Section 3. Updating and Reverification.** To be completed and signed by employer

A. New Name (if applicable)	B. Date of rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.	
Document Title: _____	Document #: _____
Expiration Date (if any): ____/____/____	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.	
Signature of Employer or Authorized Representative	Date (month/day/year)

## Statement of Prior Federal Service

## PART I—TO BE COMPLETED BY EMPLOYEE

1. Name (Last, First, Middle Initial)	2. Birthdate (Month, Day, Year)
---------------------------------------	---------------------------------

3. Does the application that you submitted, for the position to which you are being appointed, list all of your Federal government civilian and uniformed service, including beginning and ending dates, as well as the type of appointment and work schedule for civilian service?	<input type="checkbox"/> YES (If "YES", check this block and then skip to Item 8.) <input type="checkbox"/> NO (If "NO", check this block and complete Items 4-8.)
---	---

4. List below your prior civilian service (Include service with the D.C. Government on appointments made before January 1, 1980).

Name and Location of Agency	FROM			TO			Type of Appointment and Work Schedule (Full-Time, Part-Time or Intermittent)
	Year	Month	Day	Year	Month	Day	

5. During periods of employment shown in Item 4, did you have a total of more than 6 months' absence without pay during any one calendar year?	<input type="checkbox"/> YES (If "YES", list the following information.) <input type="checkbox"/> NO (If "NO", go to Item 6.)
--	--

Type If Known (L.W.O.P., Furlough, Suspension, A.W.O.L., or Placement in Nonpay Status From Seasonal or On-Call Employment)	FROM			TO			TOTAL		
	Year	Month	Day	Year	Month	Day	Years	Months	Days

6. List all uniformed service below. (List active service in any branch of the Armed Forces of the United States, including active duty as a reservist, and active service in the commissioned corps of the Public Health Service or of the National Oceanic and Atmospheric Administration. Also list Merchant Marine service if it interrupted Federal civilian service.)

Branch	FROM			TO			Discharge (Honorable or Dishonorable)
	Year	Month	Day	Year	Month	Day	

7. Do you claim any type of veteran preference which has not been verified? <input type="checkbox"/> NO <input type="checkbox"/> YES—(Check one of the statements, if it applies to you.)	I claim preference as the: <input type="checkbox"/> Spouse of a disabled veteran. <input type="checkbox"/> Mother of a deceased or disabled veteran. <input type="checkbox"/> Unmarried widow/widower of a veteran.
---	--

8. CERTIFICATION: The prior Federal civilian and uniformed service listed on my application and listed above constitutes my entire record of Federal employment. I have no other Federal service for which I want to claim credit.

Signature	Date (Month, Day, Year)
-----------	-------------------------

## TO BE COMPLETED BY THE PERSONNEL OFFICE

**PART II—DETERMINATION OF CREDITABLE SERVICE AND SERVICE COMPUTATION DATE FOR LEAVE PURPOSES** (See FPM Chapter 630 and Supplement 296-33, S6.) NOTE: For year below, show only last two numbers; for months show numerical equivalent.

CREDITABLE SERVICE (List only periods that are creditable for leave purposes.)	(A) APPOINTMENT DATE			(B) SEPARATION DATE			NONCREDITABLE SERVICE (Explain noncreditable time listed in Column (A), such as "lost time" during military service.)
	Year	Month	Day	Year	Month	Day	
Entrance on duty date							
Total noncreditable service							
Total of appointment dates	(A)			(B)			
Total of separation dates	(B)						
SCD-Leave (A)-(B)							

**PART III—DETERMINATION OF CREDITABLE SERVICE AND SERVICE DATE FOR REDUCTION-IN-FORCE PURPOSES**  
(Complete only in cases where the amount of creditable service for reduction-in-force purposes differs from the amount creditable for leave purposes.) (See FPM Chapter 351 and Supplement 296-33, S6.)

CREDITABLE SERVICE	(A) APPOINTMENT DATE			(B) SEPARATION DATE			NONCREDITABLE SERVICE (Explain noncreditable time listed in Column (A), such as "lost time" during the military.)
	Year	Month	Day	Year	Month	Day	
SCD-Leave (from Part II)							
Additional service creditable for RIF only							
Total noncreditable service							
Total of appointment dates	(A)			(B)			
Total of separation dates	(B)						
SCD-RIF (A)-(B)*							

\*Also known as "Service Date"

REMARKS

Name of Person Computing SCD(s)

Date SCD(s) Computed

Standard Form 181 (Rev. 5-82)  
U.S. Office of Personnel Management  
FPM Supplement 298-1

## RACE AND NATIONAL ORIGIN IDENTIFICATION

(Please read the instructions and Privacy Act Statement before completing form)

Agency Use Only	Name (Last, First, Middle Initial)	Social Security Number	Birthdate (Month & Year)

### Privacy Act Statement

You are requested to furnish this information under the authority of 42 U.S.C. § 2000e-16, which requires that Federal employment practices be free from discrimination and provide equal employment opportunities for all. Solicitation of this information is in accordance with Department of Commerce Directive 15, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting."

This information will be used in planning and monitoring equal employment opportunity programs and to identify employees for inclusion in skill banks and referral pools.

Your furnishing this information is voluntary. Your failure to do so will have no effect on you or on your Federal employment. If you fail to provide the information, however, then

the employing agency will attempt to identify your race and national origin by visual perception.

You are requested to furnish your Social Security Number (SSN) under the authority of Executive Order 9397 (November 22, 1943). That Order requires agencies to use the SSN for the sake of economy and orderly administration in the maintenance of personnel records. Because your personnel records are identified by your SSN, your SSN is being requested on this form so that the other information you furnish on this form can be accurately included with your records. Your SSN will be used solely for that purpose. Your furnishing of your SSN is voluntary and failure to furnish it will have no effect on you; failure to provide it, however, may result in it being obtained from other agency sources.

**Specific Instructions:** The categories below are designed to identify your basic racial and national origin category. If you are of mixed racial and/or national origin, identify your-

self by the category with which you most closely identify yourself. Place an "X" in the box next to the appropriate category. NOTE: Mark only **ONE** box.

NAME OF CATEGORY (Mark <b>ONE</b> only)	DEFINITION OF CATEGORY
<b>Categories for Use in All Jurisdictions Except Hawaii* and Puerto Rico</b>	
A <input type="checkbox"/> American Indian or Alaskan Native	A person having origins in any of the original peoples of North America, and who maintains cultural identification through community recognition or tribal affiliation.
B <input type="checkbox"/> Asian or Pacific Islander	A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
C <input type="checkbox"/> Black, not of Hispanic origin	A person having origins in any of the black racial groups of Africa. Does not include persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origins (see Hispanic).
D <input type="checkbox"/> Hispanic	A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origins. Does not include persons of Portuguese culture or origin.
E <input type="checkbox"/> White, not of Hispanic origin	A person having origins in any of the original peoples of Europe, North Africa, or the Middle East. Does not include persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origins (see Hispanic). Also includes persons not included in other categories.
<b>Categories for Use in Puerto Rico</b>	
D <input type="checkbox"/> Hispanic	A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origins whose official duty station is in Puerto Rico. Does not include persons of Portuguese culture or origin.
Y <input type="checkbox"/> Not Hispanic in Puerto Rico	A person not of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origins whose official duty station is in Puerto Rico.

\* Reproduce OPM Form 1468 from FPM Supp. 298-1 for data collection in Hawaii.

181-102

NSN 7540-01-099-3446

Previous edition usable

\* GPO : 1982 O - 360-498 (46)

**SELF-IDENTIFICATION OF HANDICAP**

(See instructions and Privacy Act information on reverse)

Last Name, First Name, Middle Initial	Birth Date (Mo./Yr.)	Social Security Number	ENTER CODE HERE →
---------------------------------------	----------------------	------------------------	-------------------

**DEFINITION OF A HANDICAP:** A person is handicapped if he or she has a physical or mental impairment which substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. Those handicaps that

are to be reported are listed below (codes in bold numbers 13 through 94). In the case of multiple impairments, choose the code which describes the impairment that would result in the most substantial limitation.

**TO THE EMPLOYEE:** Self-identification of handicap status is essential for effective data collection and analysis. The information you provide will be used for statistical purposes only and will not in any way affect you individually. While self-identification is voluntary, your cooperation in providing accurate information is critical.

**01** I do not wish to identify my handicap status. (Please read the employee note above and the reverse side of this form before using this code.) (Note: Your personnel officer may use this code if, in his or her judgment, you used an incorrect code.)

**05** I do not have a handicap.

**06** I have a handicap but it is not listed below.

**SPEECH IMPAIRMENTS**

**13** Severe speech malfunction or inability to speak; hearing is normal (Examples: defects of articulation [unclear language sounds]; stuttering; aphasia [impaired language function]; laryngectomy [removal of the "voice box"])

**HEARING IMPAIRMENTS**

**15** Hard of hearing (Total deafness in one ear or inability to hear ordinary conversation, correctable with a hearing aid)

**16** Total deafness in both ears, with understandable speech

**17** Total deafness in both ears, and unable to speak clearly

**VISION IMPAIRMENTS**

**22** Ability to read ordinary size print with glasses, but with loss of peripheral (side) vision (Restriction of the visual field to the extent that mobility is affected—"Tunnel vision")

**23** Inability to read ordinary size print, not correctable by glasses (Can read oversized print or use assisting devices such as glass or projector modifier)

**24** Blind in one eye

**25** Blind in both eyes (No usable vision, but may have some light perception)

**MISSING EXTREMITIES**

**27** One hand

**28** One arm

**29** One foot

**32** One leg

**33** Both hands or arms

**34** Both feet or legs

**35** One hand or arm and one foot or leg

**36** One hand or arm and both feet or legs

**37** Both hands or arms and one foot or leg

**38** Both hands or arms and both feet or legs

**NONPARALYTIC ORTHOPEDIC IMPAIRMENTS**

(Because of chronic pain, stiffness, or weakness in bones or joints, there is some loss of ability to move or use a part or parts of the body.)

**44** One or both hands

**47** One or both legs

**45** One or both feet

**48** Hip or pelvis

**46** One or both arms

**49** Back

**57** Any combination of two or more parts of the body

**PARTIAL PARALYSIS**

(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is some loss of ability to move or use a part of the body, including legs, arms, and/or trunk.)

**61** One hand

**67** One side of body, including one arm and one leg

**62** One arm, any part

**63** One leg, any part

**64** Both hands

**68** Three or more major parts of the body (arms and legs)

**65** Both legs, any part

**66** Both arms, any part

**COMPLETE PARALYSIS**

(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is a complete loss of ability to move or use a part of the body, including legs, arms, and/or trunk.)

**70** One hand

**76** Lower half of body, including legs

**71** Both hands

**77** One side of body, including one arm and one leg

**72** One arm

**73** Both arms

**74** One leg

**78** Three or more major parts of the body (arms and legs)

**75** Both legs

**OTHER IMPAIRMENTS**

**80** Heart disease with no restriction or limitation of activity (History of heart problems with complete recovery)

**81** Heart disease with restriction or limitation of activity

**82** Convulsive disorder (e.g., epilepsy)

**83** Blood diseases (e.g., sickle cell anemia, leukemia, hemophilia)

**84** Diabetes

**86** Pulmonary or respiratory disorders (e.g., tuberculosis, emphysema, asthma)

**87** Kidney dysfunctioning (e.g., if dialysis [Use of an artificial kidney machine] is required)

**88** Cancer—a history of cancer with complete recovery

**89** Cancer—undergoing surgical and/or medical treatment

**90** Mental retardation (A chronic and lifelong condition involving a limited ability to learn, to be educated, and to be trained for useful productive employment as certified by a State Vocational Rehabilitation agency under section 213.3102(t) of Schedule A)

**91** Mental or emotional illness (A history of treatment for mental or emotional problems)

**92** Severe distortion of limbs and/or spine (e.g., dwarfism, kyphosis [severe distortion of back])

**93** Disfigurement of face, hands, or feet (e.g., distortion of features on skin, such as those caused by burns, gunshot injuries, and birth defects [gross facial birthmarks, club feet, etc.])

**94** Learning disability (A disorder in one or more of the processes involved in understanding, perceiving, or using language or concepts [spoken or written]; e.g., dyslexia)



**SECURITY CLEARANCE CERTIFICATION**

\_\_\_\_\_  
(Organization)

\_\_\_\_\_  
(Date)

I CERTIFY THE INDIVIDUAL LISTED BELOW HAS THE FOLLOWING SECURITY CLEARANCE:

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(DEGREE OF CLEARANCE)

\_\_\_\_\_  
(ISSUED BY)

\_\_\_\_\_  
(DATE GRANTED)

\_\_\_\_\_  
(SUPERVISOR'S SIGNATURE AND DATE)

**TEMPORARY EMPLOYMENT STATEMENT**

You have just accepted a temporary appointment with the California National Guard. To help you understand what this means to you, a few facts about your employment are listed below:

- a. Your job is a temporary one, one in which the need is for a definite length of time. There is no guarantee as to how long you may be employed. Your employment may be terminated at any time.
- b. During your employment here, you will be earning sick leave for four (4) hours per pay period and annual leave at a rate based on years of Federal Service as explained to you during the appointment process. Annual leave is credited after being employed for 90 continuous days. After completing the 90-day period, employees are entitled to be credited with the leave they accrued during those 90 days.
- c. As a temporary employee, you will not be covered by a hospital insurance plan or Federal life insurance, and you cannot participate in the retirement system.
- d. As a temporary employee, you cannot be considered for promotion or change to a different line of work.
- e. The fact that you have accepted a temporary appointment will not jeopardize your chances to be considered for a permanent Excepted appointment if you are eligible.
- f. When your job is about to expire (prior to your not-to-exceed (NTE) date), every effort will be made to give you at least thirty (30) days notice.

Thank you for helping us during a period of special need. We hope your employment here is a satisfying and rewarding experience.

.....

**I UNDERSTAND THESE CONDITIONS OF EMPLOYMENT**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Type/Print Full Name)

Forward completed statement to the Office of the Adjutant General, ATTN: CAJS-HR-ES, P.O. Box 269101, Sacramento, CA 95826-9101

## CHAPTER 4

### PAY

#### 4-1. INTRODUCTION:

It is imperative to pay technicians equitably and fairly and, at the same time, make sure that tax dollars are spent as effectively as possible. Proper pay setting requires applying principles of good management and complying with laws and regulations. Proper pay setting also involves consideration of:

- a. *Local conditions* that affect recruiting and retaining qualified technicians.
- b. *Effect of pay actions* on other technicians.
- c. *The technician's qualifications and service history* for the position being filled.

Each pay setting case is decided using directives that apply to the pay system covering that position. The common pay systems are General Schedule (GS) and Federal Wage System (FWS).

#### 4-2. GENERAL SCHEDULE (GS):

*General Schedule Pay System is a Nationwide System.* General Schedule covers professional, administrative, clerical and protective positions and has 15 grades with 10 steps in each grade. General Schedule pay can be increased by nationwide adjustments, promotions and within-grade increases. Permanent and Indefinite technicians' pay can be adjusted by within-grade or step increases based on longevity and job performance (temporary GS technicians are not eligible for within-grade increases).

- a. *Required Waiting Period For GS Within-Grade Increases:*

Step 1 - 4	1 year
Step 4 – 7	2 years
Step 7 – 10	3 years

b. *Job Performance:* Technicians must have overall ratings of fully successful. The waiting period for a within-grade increase begins with the technician's initial appointment. A new waiting period begins whenever a technician receives a within-grade increase (other than a Quality Salary Increase); is re-employed after a break in service of more than 52 continuous calendar weeks; or returns to duty after a continuous period in a non-pay status for more than 52 weeks (this does not apply if the technician is on active duty or active duty for training).

c. *Promotions For GS Technicians.* When a General Schedule technician receives a promotion, the amount of the promotion must be equal to or higher than a 2-step increase in the previous grade.

#### **4-3. FEDERAL WAGE SYSTEM (FWS):**

The Federal Wage System (FWS) is a locality-based system and covers trades and crafts related fields. The FWS has 15 grades for Non-Supervisory (WG) positions, 15 grades for Work Leaders (WL) and 18 grades for Supervisory (WS) positions with five steps per grade. Pay increases are determined by local wage survey; the change is unique to wage area percentage of basic pay; and may increase, decrease or remain the same. All FWS technicians are eligible for within grade increases and are based on longevity and job performance.

a. *Required Waiting Period For FWS Within-Grade Increases:*

Step 1 – 2   6 months  
Step 2 – 3   18 months  
Step 3 – 5   2 years

b. *Job Performance:* Technicians must have an overall rating of fully successful to receive a within-grade increase.

c. *Promotions For FWS Technicians:* When a Federal Wage System technicians receives a promotion it must be at least 4 percent of the representative rate (step 2 of previous grade).

#### **4-4. ACTIONS TO WITHHOLD A WITHIN GRADE INCREASE (WGI):**

a. *Procedures to Withhold a Within Grade Increase (WGI):* If the immediate supervisor determines that the technician's work is not at a fully successful level, the supervisor will initiate action designed to withhold the WGI. The first action is to review the case with the next level of supervision in the chain of command for his/her concurrence. The immediate supervisor will then discuss the possibility of withholding his/her WGI and advise the technician in writing at least 60 days before the end of the waiting period. (See Enclosure 4-1 at the end of the chapter). A copy of the written notification letter will be forwarded to the Directorate for Human Resources as soon as the technician acknowledges receipt.

(1) The immediate supervisor will continue to observe and evaluate the technician's performance. Two weeks before the end of the waiting period, the immediate supervisor will determine if the technician's performance has improved sufficiently to warrant the WGI. If the increase is to be granted, the immediate supervisor will initiate and forward to the Directorate for Human Resource a Request for Personnel Action (SF-52) approving the WGI.

(2) If performance has not improved sufficiently and if the WGI should not be granted, the immediate supervisor will discuss the reasons with the technician and advise the technician in writing. The written notification letter will be signed by both the immediate supervisor and the next level supervisor (see Enclosure 4-2 at the end of the chapter). The technician will acknowledge receipt of the written notification letter withholding the WGI and the supervisor will forward to the Directorate for Human Resources. A technician's refusal to sign the written notification letter will not negate withholding the increase. If a technician refuses to sign the written notification letter, the supervisor will have a third party attest to the fact that the technician refused to sign the written notification letter and annotate that fact on the bottom of the written notification letter with his/her signature.

b. *Reconsideration and Redetermination of Withholding a Within Grade Increase (WGI)*: A technician may request reconsideration of a determination to withhold a WGI by submitting a written request for reconsideration to the immediate supervisor within 15 calendar days after receipt of the written notification letter that the WGI was denied. Additional time may be allowed to submit the letter if the technician is unable to respond because of circumstances beyond their control.

(1) The technician's request for reconsideration will be considered by the immediate supervisor who signed the written notification letter and forwarded to the official indicated below for their concurrence/nonconcurrence of the request for reconsideration:

(a) ARNG – Directorate of Activity/Organization.

(b) ANG – Air Commander/Detachment Commander.

(c) State Headquarters – Appropriate Deputy Adjutant General.

(2) If the redetermination is unfavorable, the immediate supervisor will advise the technician in writing (Enclosure 4-2 at the end of the chapter). The written notification letter will include the technician's appeal rights.

c. *Approving the Within Grade Increase When Performance has Reached the Fully Successful Level*: If at any time within 52 weeks after the determination to withhold a WGI, the immediate supervisor determines that the technician has reached a fully successful level, a SF-52 (Request for Personnel Action) will be prepared and forwarded to the Directorate for Human Resources to grant the WGI. Upon receipt of the SF-52 in the Directorate for Human Resources the WGI will be effected. The WGI will be normally effective the pay period following the date the SF-52 was received in the Directorate for Human Resources. Law prohibits WGIs be given retroactively.

#### 4-5. SEVERANCE PAY ENTITLEMENT:

a. *Technicians may be entitled to severance pay when **involuntarily** separated from their employment. A technician is entitled to severance pay if all of the following requirements are met:*

(1) The technician's separation is involuntary and not for reasons of misconduct, delinquency, or inefficiency.

(2) The technician has not declined an offer of an equivalent position in the same commuting area.

(3) Are full-time or part-time Permanent or Indefinite technicians.

(4) Have been employed currently for a continuous period of at least 12 months.

(5) Are **not entitled** to an immediate retirement annuity under any retirement law or retirement system applicable to Federal employees.

(NOTE: Technicians separated because of promotion to General Officer are considered to be involuntarily separated and are entitled to severance pay.)

b. *Technicians are considered to be **voluntarily separated** and are not entitled to severance pay if the separation is based on:*

(1) Voluntary resignation or failure to reenlist.

(2) Loss of military membership for failure to comply with the weight control program.

(3) Loss of military membership for failure to pass Physical Training (PT) test (except for medical reason).

c. *Severance Pay Fund:* The severance pay fund is based on a technician's creditable (civilian) service. Military service and temporary appointments of 90 days or less are not creditable. The amount of severance pay is based on one weeks pay for every year of service up to 10 years; two weeks pay for every year after 10 **plus** a 10 percent adjustment for each year over age 40. There is a lifetime 52-week limit on the number of weeks a technician can ever be entitled to severance pay. Severance pay may be received as a lump-sum payment or be paid at the same intervals as when the technician was employed. Severance pay that is received as a lump sum is taxed at a much higher rate. No deductions will be made from severance pay other than Federal and State income tax withholding, Medicare and FICA tax.

d. *Severance Pay Termination*: Severance pay is terminated when the technician is accepted for a permanent position in Federal service. A technician may accept one or more **temporary** appointments while receiving severance pay without losing his/her severance pay entitlement. However, severance pay is suspended during the periods of temporary appointments and the periods of service covered by the temporary appointment are not creditable for purposes of computing the severance pay it interrupts.

#### **4-6. ALLOTMENTS:**

a. *Allotments may be made to savings account*, savings and loan associations, or a Federal/State chartered credit union. No more than two allotments may be in effect at the same time.

b. A SF-1199A (*Direct Deposit Sign-Up Form*) must be completed to begin an allotment.

c. *Cancellation of an allotment* must be requested in memorandum format by the technician and submitted to the Directorate for Human Resources.

#### **4-7. PERMANENT CHANGE OF STATION (PCS) TRAVEL:**

*Permanent National Guard technicians* assigned to permanently authorized technician positions may be eligible for reimbursement for certain costs incurred incident to Permanent Change of Station (PCS) Travel, movement of household goods and real estate transaction fees. Temporary and indefinite technicians are not eligible for PCS benefits. When the transfer and relocation is made at the request of, or for the convenience and/or benefit of the technician, and not in the interest of the government, reimbursement is not authorized. Moves as a result of application for and selection under the Merit Placement Plan (Annex A) are considered in the interest of the government. If entitled, PCS reimbursement will be in accordance with Joint Travel Regulation (JTR) Vol II. The following conditions must exist for the technician to be entitled to reimbursement:

a. *The movement from one duty station to another* must be in the interest and/or benefit of the government.

b. *The individual must complete DD Form 1618, Transportation Agreement*, agreeing to remain in the employ of the Federal Government for a minimum period of one year in return for PCS expense reimbursement. If the technician leaves Federal employment prior to completion of the one year service agreement, travel/moving expenses must be repaid to the government. Enlisted technicians are required to have at least one year of service remaining on their current enlistment at the time of reassignment.

c. *Request for Personnel Actions*, SF-52s are reviewed by the Directorate for Human Resources before PCS can be approved. If reimbursement is justified because the movement is in the interest and/or benefit of the government and is not at the technician's request, action is taken to appropriate funds for the PCS. The technician is sent the necessary forms to initiate issuance of the travel order. When a permanent change of station is for the convenience of the technician, no government funds will be authorized. When this occurs, Item F on SF-52 will contain this statement: *"I concur in this reassignment. It is at my request and I understand that I will not receive reimbursement for any expenses incurred as a result of my permanent change of station."* The statement will contain the technician's signature and date. Sufficient time (normally three pay periods) must be allowed between the decision to transfer a technician and the actual date of transfer. This time is necessary for publication of orders, advance planning, and house hunting by the technician. No commitments or expenditure of PCS funds to include house hunting may be made prior to receipt of travel orders.

#### **4-8. UNPAID COMPENSATION:**

*Upon the death of a technician*, any unpaid compensation, including wages accrued and annual leave will be paid to the technician's beneficiaries (See Chapter 5 for more details).

#### **4-9. ENVIRONMENTAL DIFFERENTIAL PAY (EDP) AND HAZARDOUS DUTY PAY (HDP):**

Information regarding Environmental Differential Pay (EDP) and Hazardous Duty Pay (HDP) for the California National Guard is contained in Annex F.

#### **4-10. HOLIDAY PAY:**

*When a full-time technician is required to work on a designated holiday* (or a day designated as the "in lieu of" holiday for full-time technicians on compressed work schedules), he/she is entitled to be paid holiday pay (receives 1 hour of pay plus 1 hour of pay for the holiday which equals two hours of pay ) for each hour of work not to exceed the technician's regular work hours. (If the technician works 10 hour days, he/she cannot exceed 10 hours of holiday pay.)



#### 4-11. GRADE AND PAY RETENTION:

a. *A grade retention entitlement* is the right of a technician to retain for 2 years, for pay and benefits purposes, the grade of the position from which he or she was reduced (5 U.S.C. 5362 and 5 CFR part 536). A technician on grade retention receives all pay increases (pay adjustments, within-grade increases) of the retained grade. The basic eligibility requirements for grade retention are:

- (1) Grade not reduced for personal cause or at technician's request.
- (2) Must have 52 weeks at higher grade in a permanent position.
- (3) If reclassification, position must be at old grade for one year.

*Grade retention is mandatory* for technicians reduced in grade because of Reduction In Force (RIF) or due to reclassification. Grade retention is optional for mission-related reasons and is at the discretion of The Adjutant General. Termination of grade retention occurs:

- (1) At the end of the two year period; or
- (2) After a one workday break in service; or
- (3) Demoted for personal cause or by technician's written request; or
- (4) Placement in equal or higher position; or
- (5) Declination of a reasonable offer.

b. *Pay retention entitlement* is the right of a technician to retain, under certain circumstances, a rate of basic pay higher than the maximum rate of the grade for the position occupied. The basic eligibility for pay retention is a requirement not excluded by Technician Personnel Regulation (TPR) 550. Mandatory pay retention requirements are:

- (1) Grade retention time requirements not met.
- (2) Declination to relocate; no offer at gaining activity and placed in lower grade.
- (3) Transfer from a special rate position to a non-special or lower-level special rate position.
- (4) Grade retention expires.

- (5) Loss or reduction of special rates.

*c. Optional Pay Retention May Be Offered For:*

- (1) Mission-related reasons at The Adjutant General's discretion.
- (2) Move due to ill health in lieu of disability or retirement.
- (3) Filling a designated hard-to-fill position.

*Technicians on pay retention* receive 50 percent of all pay adjustments until their pay is equal to or less than the maximum step of the grade (step 10 for GS, step 5 for FWS). Termination of pay retention occurs:

- (1) After one workday break in service.
- (2) Demoted for personal cause or by technician's written request.
- (3) Entitlement to an equal or greater rate.
- (4) Declination of reasonable offer.

#### **4-12. HIGHEST PREVIOUS RATE:**

a. *As prescribed by Title 5 Code of Federal Regulations, Parts 531 and 532*, the term highest previous rate rule means the highest schedule basic rate of pay earned as a Federal employee. Previously employed Federal technicians who are re-employed, transferred, promoted, reassigned, demoted or changed in their type of appointment, **may be** considered for placement on the pay scale at any rate which is applicable to the position that does not exceed their highest previous rate, or if the highest previous rate falls between two steps of the new grade, they may be considered for the higher step. The rate of pay can not exceed the maximum step for the grade of the new position. The highest previous rate is based on a regular tour of duty at any rate of basic pay received by an individual while serving under an appointment not limited to 90 days or less, or for a continuous period of not less than 90 days under one or more appointments without a break in service.

*b. The highest previous rate will not be applicable in the following instances:*

- (1) A rate received in a position to which the technician was temporarily promoted for less than 1 year, except upon permanent placement in a position at the same or higher grade.

(2) A special rate (General Schedule (GS) only), unless in a reassignment to another position within the California National Guard; otherwise, pay will be set using the basic General Schedule.

(3) Change to lower grade for cause based on character, conduct, inefficiency or failure to meet a requirement of the position. Salary will be set at a rate in the lower grade where, on later promotion, the technician's pay will not be higher than it would have been without the change to lower grade.

(4) Breaks in service of 10 years or more, salary will be set at step 1 of the grade.

(5) Voluntary request for change to lower grade in response to a merit announcement with promotion potential. Salary will be set at a rate in the lower grade where, on later promotion, the technician's pay will not be higher than it would have been without the voluntary change to lower grade (this is also referred to as the "stair-stepping" rule).

#### **4-13. SHIFT DIFFERENTIAL:**

General Schedule (GS) and Federal Wage System (FWS) entitled to shift differential as follows:

a. *General Schedule (GS)*: Basic Rate plus 10 percent for work scheduled and performed between 1800-0600.

b. *Federal Wage System (FWS)*: Basic rate plus 7.5 percent if MAJORITY of hours between 1500-2400; 10 percent if MAJORITY of hours between 2400-0800.

c. *Temporary Assignment To A Different Daily Tour Of Duty*. A technician is entitled to a pay differential when he or she is temporarily assigned during the administrative workweek to a daily tour of duty that includes night work. This temporary change in a daily tour of duty within the technician's regularly scheduled administrative workweek is distinguished from a period of irregular work in addition to the technician's regularly scheduled administrative workweek. Request for temporary pay differential must be approved by the Directorate for Human Resources.

#### **4-14. SUPERVISORY DIFFERENTIAL:**

Pay adjustment which may be given when a General Schedule (GS) supervisor makes less than his/her non-GS technician. Supervisory differentials are granted at the agency's discretion and are not mandatory. In order to be eligible for the differential, the GS supervisor:

a. Must be responsible for direct technical supervision over the work of one or more non-GS technicians, and

b. Would, in the absence of the differential, be paid less than the technician(s).

#### **4-15. RECRUITING BONUS, RELOCATION BONUSES, AND RETENTION ALLOWANCE:**

The Federal Employees Pay Comparability Act of 1990 authorized agencies to pay Recruiting Bonuses, Relocation Bonuses and Retention Allowances. These bonuses/allowances are designed to provide the California National Guard flexibility to attract and retain the best qualified employees. (See Recruiting Bonus Plan Enclosure 4-3 at the end of the chapter, Relocation Bonus Plan Enclosure 4-4 at the end of the chapter, Retention Allowance Plan Enclosure 4-5 at the end of the chapter).

#### **4-16. ADVANCED IN-HIRING RATE BASED ON SUPERIOR QUALIFICATIONS:**

In accordance with 5 United States Code (USC) 5333, Code of Federal Regulations 531-203, and Public Law 90-486, The Adjutant General delegates the authority for approval of Advanced In-Hiring Rate Based on Superior Qualifications to the Directorate for Human Resources. Superior Qualifications are based on either the relevance of the applicant's experience and education to the particular work he/she will do, or on the quality of the applicant's accomplishments compared to others in the field. The applicant needs to bring to the position a type or quality of knowledge, skills, and abilities that the California National Guard could not otherwise obtain. The position being filled must be directly related to mission or program goals. Superior Qualifications/Special Needs are not appropriate for positions that provide administrative or clerical support; lack of high quality candidates, or Title 10 or Title 32 Military tour personnel (See Advanced In Hiring Plan Rate Based on Superior Qualifications Enclosure 4-6 at the end of the chapter).

CAJS-HR

(Date)

MEMORANDUM FOR (Name of Technician)

SUBJECT: Within-Grade Increase

1. As a California National Guard technician, your performance must be fully successful to receive a within grade salary increase. This is to inform you that your performance is currently not at a fully successful level. This matter was discussed with by \_\_\_\_\_ on \_\_\_\_\_.  
(Immediate Supervisors Name) (Date)

2. If the following improvements are not made and your performance is not brought up to a fully successful level, your next within grade increase due will be withheld:

a.

b.

c.

(Be specific, what task is not fully successful and what is needed to bring it to a satisfactory. Also state what assistance you will provide.)

\_\_\_\_\_  
(Immediate Supervisor's Signature)

CF:  
CAJS-HR

ACKNOWLEDGEMENT OF RECEIPT \_\_\_\_\_

DATE \_\_\_\_\_

CAJS-HR

(Date)

MEMORANDUM FOR: (Technician's Name)

SUBJECT: Decision to Withhold A Within Grade Increase

1. This is to inform you that your performance has failed to reach a fully successful level and as a result your within grade increase is being withheld.

2. On \_\_\_\_\_ your below fully successful level of performance was discussed with you. You were further informed by my letter dated \_\_\_\_\_, Subject: Within Grade Increase.

3. During the period \_\_\_\_\_ to \_\_\_\_\_ I have carefully reviewed your performance. As was discussed with you on \_\_\_\_\_ by \_\_\_\_\_ the following areas of your performance have not reached a fully successful level:

a.

b.

c.

(Be specific, state what task did not come up to a fully successful level and how and why it was not satisfactory.)

4. You may request a reconsideration of the determination to withhold your increase by submitting the request in writing to your supervisor within 15 days of receipt of this letter. You may submit either in writing or orally the reasons why you believe the determination should be reconsidered. Any information you submit will be reconsidered.

\_\_\_\_\_  
FIRST LINE SUPERVISOR

Approved by: \_\_\_\_\_  
SECOND LINE SUPERVISOR

CF:  
CAJS-HR

ACKNOWLEDGEMENT OF RECEIPT \_\_\_\_\_ DATE \_\_\_\_\_

CAJS-HR

(Date)

MEMORANDUM FOR: (Technician's Name)

SUBJECT: Re-determination of Decision to Withhold a Within Grade Increase

1. The decision to withhold your within grade increase, because your performance was not at a fully successful level, has been reconsidered in accordance with your request of \_\_\_\_\_.

2. Your request was considered by the following individuals on \_\_\_\_\_

a.

b.

c.

d.

3. The determination of these individuals was unfavorable and your within grade increase will not be granted.

4. This decision is final and is not subject to reconsideration through the State Grievance procedures unless procedural noncompliance can be shown. In such a case a technical review will be conducted by forwarding your request to the Directorate for Human Resources within 15 days of the date of your receipt of this letter.

\_\_\_\_\_  
(FIRST LINE SUPERVISOR)

CF:  
CAJS-HR

ACKNOWLEDGEMENT OF RECEIPT

\_\_\_\_\_ DATE \_\_\_\_\_

**CALIFORNIA NATIONAL GUARD  
RECRUITING BONUS PLAN**

**I. INTRODUCTION:**

This plan implements the provisions of 5 USC 5753 and Subchapter A, part 575 of title 5, Code of Federal Regulations.

**II. DELEGATION OF APPROVAL AUTHORITY:**

Public Law 90-486 designates the Adjutant General to employ and administer the Technician Program. The Adjutant General delegates the authority for approval of Recruiting Bonuses to the Directorate for Human Resources.

**III. ENTITLEMENT:**

A Recruiting Bonus of up to 25% of basic pay may be offered to newly appointed technicians in accordance with eligibility criteria (see part IV below).

**IV. ELIGIBILITY CRITERIA:**

a. Candidate's for hard-to-fill positions and/or occupations that are critical to the California National Guard are eligible for Recruiting Bonuses.

b. A Recruiting Bonus may be paid to any technician newly appointed to a position in the General Schedule. A newly appointed technician is defined as an individual being appointed to a position in the civil service for the first time, or who is being reappointed after a break in service of at least one year and whose appointment is for a period of not less than two years.

**V. JUSTIFICATION:**

Supervisors/Managers must certify in writing that the organization/unit would have difficulty filling the position with a highly qualified candidate. As applicable, the written certification will describe (1) the results of recent efforts to attract quality candidates for similar positions, as evidenced by offer/acceptance rates, the number of pending vacancies, and/or the length of time required to fill similar positions, (2) recent turnover in similar positions, (3) labor-market factors that may affect the organization's ability to recruit highly qualified candidates in similar positions, (4) special qualifications needed for the position, (5) California National Guard mission essential criteria. (See Enclosure 4-3-3 at the end of the annex).



**VI. SERVICE AGREEMENT:**

Title 5 Code of Federal Regulations requires that before a Recruiting Bonus may be paid, the prospective technician must sign a written agreement to serve 12 months as a technician with the California National Guard. (See Enclosure 4-3-4 at the end of the annex).

**VII. DIRECTORATE FOR HUMAN RESOURCE DUTIES AND RESPONSIBILITIES:**

The Directorate for Human Resources is responsible for ensuring that the basis for any Recruiting Bonus is fully documented. The following information shall be maintained on a fiscal year basis: (1) the number of technicians offered/accepted in each case; and (2) a summary statement assessing the effect of bonus authority on the National Guard's ability to fill positions with high quality candidates in a timely fashion. This information will be compiled and forwarded to National Guard Bureau by 15 November of each year.

**VIII. NOMINATING PROCEDURES FOR A RECRUITING BONUS:**

**a. REQUEST FOR VACANCY ANNOUNCEMENTS:**

Supervisors/Managers will forward with the Standard Form 52 (SF-52 Request for Personnel Action) Vacancy Announcement and the Justification Form. Upon receipt, the Directorate for Human Resources will notify the supervisor/manager of approval/disapproval.

**b. NOMINATION FOR TECHNICIAN EMPLOYMENT:**

Supervisors/Managers will forward the Service Agreement with the selection package (Nomination for Technician Employment). The Directorate for Human Resources will then process the Recruiting Bonus and personnel action.

RECRUITMENT BONUS

**Recommendation and Approval of Recruitment Bonus Authorized Under 5 USC 5753.**

I. Candidate's Name: \_\_\_\_\_

Vacancy Announcement Number: \_\_\_\_\_

Position Title/Series/Grade: \_\_\_\_\_

Organization: \_\_\_\_\_

II. **JUSTIFICATION: ATTACHED.** (Certify that the organization/unit would have difficulty filling the position with a highly qualified candidate. As appropriate, the written certification describes (1) the results of recent efforts to attract quality candidates for similar positions, as evidenced by offer/acceptance rates, the number of pending vacancies, and/or the length of time required to fill similar positions, (2) recent turnover in similar positions, (3) labor-market factors that may affect the organization's ability to recruit highly qualified candidates in similar positions, (4) special qualifications needed for the position, (5) California National Guard mission essential criteria.

\_\_\_\_\_  
**Recommending Official**

\_\_\_\_\_  
**Date Signed**

III. **Approval.** I have reviewed the request and attached justification for a Recruitment Bonus for the above named individual, and it meets all legal and DOD regulatory requirements.

\_\_\_\_\_  
**Approving Official**

\_\_\_\_\_  
**Date Signed**

**DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
CALIFORNIA NATIONAL GUARD  
EMPLOYMENT AGREEMENT FOR RECRUITMENT BONUS**

Information to Employee: If you are appointed to a position in the Federal Government, you may be authorized payment of a recruitment bonus. Title 5 USC 5753 authorized the payment of this bonus and authorized the collection of the information requested on this form. The information you disclose will be used to determine whether payment of the above bonus may be authorized. The information may also be used; a) by a Federal, state or local agency when there is an indication of a violation or potential violation of law; b) by the Office of Personnel Management in carrying out its functions; and c) for other routine uses published in accordance with 5 USC 552a. Your failure to provide the information requested and sign the agreement set forth below will result in your recruitment bonus not being paid/approved by the Government.

<b>NAME</b> <b>(LAST, FIRST, MI)</b>	<b>POSITION TITLE</b>	<b>OFFICIAL DUTY STATION</b> <b>(CITY AND STATE)</b>
---	-----------------------	---

\_\_\_\_\_

I hereby understand and agree that:

1. I will remain in the Government service for a period of 12 months from the date I report for duty at my official duty station, unless separated for reasons beyond my control and acceptable to the National Guard Bureau.

2. If, before the expiration of the agreed period specified above, I fail to fulfill the terms of this agreement, I will repay to the California National Guard, on a prorated basis, any monies expended from Federal funds for a recruitment bonus, unless separated for reasons beyond my control and acceptable to the National Guard Bureau.

_____ <b>SIGNATURE OF EMPLOYEE</b>	_____ <b>DATE SIGNED</b>
---------------------------------------	-----------------------------

**Date scheduled to report for Duty:** \_\_\_\_\_

(This date must be the authorized/approved date recorded in the Official Personnel Folder by the Directorate for Human Resources.)

**Distribution:**

- 1 original - Official Personnel Folder
- 1 copy - Employee
- 1 copy - Delegated Authorities Report
- 1 copy - Organization

## **CALIFORNIA NATIONAL GUARD RELOCATION BONUS PLAN**

### **I. INTRODUCTION:**

This plan implements the provisions of 5 USC 5753 and Subpart B, part 575 of Title 5 Code of Federal Regulations.

### **II. DELEGATION OF APPROVAL AUTHORITY:**

Public Law 90-486 designated The Adjutant General to employ and administer the Technician Program. The Adjutant General delegates the authority for approval of Relocation Bonuses to the Directorate for Human Resources.

### **III. ENTITLEMENT:**

A Relocation Bonus of up to 25% of basic pay may be offered to California National Guard technicians in accordance with eligibility criteria (see part IV below).

### **IV. ELIGIBILITY CRITERIA:**

a. Technicians of hard-to-fill positions and/or occupations that are critical to the organization's mission may be offered a Relocation Bonus to accept another General Schedule technician position in a different commuting area.

b. A Technician offered a relocation bonus must sign a written service agreement to serve at least 12 months in the new position.

### **V. JUSTIFICATION:**

Supervisors/managers must certify in writing that, absent a Relocation Bonus, the California National Guard would have difficulty filling the position with a highly qualified candidate. The certification describes (1) the results of recent efforts to attract quality candidates for similar positions, number of pending vacancies; and/or length of time to fill similar positions; (2) recent turnover in similar positions; (3) labor-market factors that may affect recruitment for similar positions; (4) special qualifications needed for the positions. (See Enclosure 4-4-3 at the end of the enclosure).

### **VI. SERVICE AGREEMENT:**

Title 5 Code of Federal Regulations requires that before a Relocation Bonus may be paid, the prospective technician must sign a written agreement to serve 12 months with the California National Guard (See Enclosure 4-4-4 at the end of the enclosure).

**VIII. DIRECTORATE FOR HUMAN RESOURCES DUTIES AND RESPONSIBILITIES:**

The Directorate for Human Resources is responsible for ensuring that the basis for any Relocation Bonus is fully documented. The following information shall be maintained on a fiscal year basis: (1) the number of technicians offered/accepted in each case; and (2) a summary statement assessing the effect of bonus authority on the National Guard's ability to fill positions with high quality candidates in a timely fashion. This information will be compiled and forwarded to National Guard Bureau by 15 November of each year.

**VIII. NOMINATING PROCEDURES FOR A RELOCATION BONUS:**

REQUEST FOR PERSONNEL ACTION: Supervisors/managers will forward with the Standard Form 52 (SF-52 Request for Personnel Action) and the Justification Form (See Enclosure 4-4-3 at the end of the enclosure) and the Service Agreement (See Enclosure 4-4-4 at the end of the enclosure). The Directorate for Human Resources will then process the Relocation Bonus and personnel action.



**DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
CALIFORNIA NATIONAL GUARD  
EMPLOYMENT AGREEMENT FOR RELOCATION BONUS**

**Information to Employee:** If you are appointed to a position in the Federal Government, you may be authorized payment of a relocation bonus. Title 5 USC 5753 authorized the payment of this bonus and authorized the collection of the information requested on this form. The information you disclose will be used to determine whether payment of the above bonus may be authorized. The information may also be used: a) by a Federal, state or local agency when there is an indication of a violation or potential violation of law; b) by the Office of Personnel Management in carrying out its functions; and c) for other routine uses published in accordance with 5 USC 552a. Your failure to provide the information requested and sign the agreement set forth below will result in your relocation bonus not being paid/approved by the Government.

**NAME  
(LAST, FIRST, MI)**

**POSITION TITLE**

**OFFICIAL DUTY STATION  
(CITY AND STATE)**

\_\_\_\_\_

**I hereby understand and agree that:**

1. I will remain in the Government service for a period of 12 months from the date I report for duty at my official duty station, unless separated for reasons beyond my control and acceptable to the National Guard Bureau.

2. If, before the expiration of the agreed period specified above, I fail to fulfill the terms of this agreement, I will repay to the California National Guard, on a pro rated basis, any monies expended from Federal funds for a relocation bonus, unless separated for reasons beyond my control and acceptable to the National Guard Bureau.

\_\_\_\_\_

**SIGNATURE OF EMPLOYEE**

\_\_\_\_\_

**DATE SIGNED**

**Date Scheduled to Report for Duty:** \_\_\_\_\_

(This date must be the authorized/approved date recorded in the Official Personnel Folder by the Directorate for Human Resources.)

Distribution:

- 1 original - Official Personnel Folder
- 1 copy - Employee
- 1 copy - Delegated Authorities Report
- 1 copy - Organization

## **CALIFORNIA NATIONAL GUARD RETENTION ALLOWANCE PLAN**

### **I. INTRODUCTION:**

This plan implements the provisions of 5 USC 5754 and subchapter C part 575 of Title 5 Code of Federal Regulations.

### **II. DELEGATION OF APPROVAL AUTHORITY:**

Public Law 90-486 designates The Adjutant General to employ and administer the Technician Program. The Adjutant General delegates the authority for approval of Retention Allowances to the Directorate for Human Resources.

### **III. ENTITLEMENT:**

A Retention Allowance of up to 25% of basic pay may be offered to California National Guard Technicians in order to retain their services in accordance with eligibility criteria (see part IV below).

### **IV. ELIGIBILITY CRITERIA:**

a. A current National Guard Technician is eligible for a Retention Allowance if the unusually high or unique qualifications of the technician or the special need of the technician's service make it essential to retain the technician.

b. The technician must have completed 1 year of continuous service.

c. A Retention Allowance may be paid to any current California National Guard Technician who holds a position in the General Schedule.

### **V. JUSTIFICATION:**

Supervisors/managers must certify in writing that, absent a retention allowance, the technician would be likely to leave the California National Guard for employment outside the California National Guard. This certification must include a written description of the extent to which the technician departure would affect the California National Guard's ability to carry out an activity or perform a mission essential function. As appropriate, the written certification describes (1) the results of recent efforts to attract and retain employees with similar qualifications; or (2) availability in the labor-market of candidates for employment with the qualifications necessary to perform the full range of duties of the position with a minimum of training or disruption. (See Enclosure 4-5-3 at the end of the enclosure).



**VII. PAYMENT AND REDUCTION OR TERMINATION OF RETENTION ALLOWANCE**

a. A Retention Allowance shall be paid in the same manner and at the same time as basic pay although it shall not be considered a part of basic pay.

b. The Retention Allowance may be paid for as long as the conditions warranting the allowance continue to exist. An annual review and recertification of necessity must be made to continue the payment of the Retention Allowance.

c. The amount of the Retention Allowance may be reduced or the allowance terminated when it is determined that (1) a lesser amount, or not allowance at all, would be sufficient to retain the employee, (2) labor-market conditions have changed and recruitment of technicians with needed qualifications would be possible, (3) the need for the services of the technician have lessened, or (4) budgetary considerations preclude payment.

**VIII. DIRECTORATE FOR HUMAN RESOURCES DUTIES AND RESPONSIBILITIES:**

The Human Resource Office is responsible for ensuring that the basis for any Retention Allowance is fully documented. The following information shall be maintained on a fiscal year basis: (1) the number of technicians offered/accepted in each case; and (2) a summary statement assessing the effect of allowance authority on the California National Guard's ability to retain quality technicians in key positions. The information will be compiled and forwarded to National Guard Bureau by 15 November of each year.

**IX. NOMINATING PROCEDURES FOR A RETENTION ALLOWANCE:**

Supervisors/managers will forward with the Request for Personnel Action - Standard Form 52 (SF52) and the Justification Form at Enclosure 4-5-3 at the end of the enclosure. Upon receipt, the Directorate for Human Resources will notify the supervisor/manager of approval/disapproval.

**X. ANNUAL RECERTIFICATION:**

Continuation of a Retention Allowance from one year to the next requires the supervisor/manager to recertify the necessity of payment of the Retention Allowance. Recertification must be forwarded to the Directorate for Human Resources annually.

RETENTION ALLOWANCE

**Recommendation and Approval of Retention Allowance Authorized Under 5 USC 5754.**

I. Technician's Name: \_\_\_\_\_

Position Title/Series/Grade: \_\_\_\_\_

Organization: \_\_\_\_\_

**II. JUSTIFICATION: ATTACHED.** (Certify without the payment of a Retention Allowance the technician is likely to leave the National Guard, and a written description of the extent to which the technician's departure would affect the organization's ability to carry out an activity or perform a mission essential function. As appropriate, the written certification describes (1) the results of recent efforts to attract and retain employees with similar qualifications; (2) availability in the labor-market of candidates for employment with the qualifications necessary to perform the full range of duties of the position with a minimum of training or disruption.

\_\_\_\_\_  
**Recommending Official**

\_\_\_\_\_  
**Date Signed**

**III. Approval.** I have reviewed the request and attached justification for a Retention Allowance for the above named individual, and it meets all legal and DOD regulatory requirements.

\_\_\_\_\_  
**Approving Official**

\_\_\_\_\_  
**Date Signed**

## **ADVANCED IN-HIRING RATE BASED ON SUPERIOR QUALIFICATIONS**

### **I. INTRODUCTION:**

This plan implements the provisions of 5 United States Code 5333 and Code of Federal Regulations 531-203.

### **II. DELEGATION OF APPROVAL AUTHORITY:**

Public Law 90-486 designates The Adjutant General to employ and administer the Technician Program. The Adjutant General delegates the authority for approval of Advanced In-Hiring Rate Based on Superior Qualifications to the Directorate for Human Resources.

### **III. ENTITLEMENT:**

Advanced In-Hiring Rate for Superior Qualifications may not be more than 20% above the candidate's current actual earnings in accordance with eligibility criteria (see Section IV below).

### **IV. ELIGIBILITY CRITERIA:**

a. Technicians hired at advanced rates under this authority must be entering the Federal Service for the first time or returning to Federal Service after a break-in-service of 90 days or more.

b. Technicians hired at advanced rates must have unusually high qualifications for the particular position and be forfeiting income that would justify a salary above the base pay for the grade or have a unique combination of education and experience that meets a special need of the California National Guard.

#### **c. DETERMINATION OF SUPERIOR QUALIFICATIONS:**

Superior qualifications is based either on the relevance of the candidate's experience and education to the particular work he/she will do, or on the quality of the candidate's accomplishments compared to others in the field. To determine what would be expected of any well-qualified candidate and what would make a candidate superior, an absolute standard will not be applied but will consider the overall quality of candidate's available and the particular requirements of the position being filled. If many candidate's show high-level experience or education directly pertinent to the position, a superior candidate might be expected to demonstrate an outstanding reputation in the field through publications, lectures, or leadership roles in professional organizations.

On the other hand, when there is a shortage of qualified candidates for a position, a basically qualified candidate may be found superior without having unusual accomplishments. This is based on finding that he/she is better able to perform the needed work than other candidates who were recruited are or who could reasonably be expected to respond to renewed recruiting efforts.

**d. DETERMINATION OF SPECIAL NEED:**

The candidate needs to bring to the position a type or quality of knowledge, skills, and abilities that the California National Guard could not otherwise obtain. The position being filled must be directly related to mission or program goals.

**e. EXCLUSIONS:**

Superior Qualifications/Special Needs are not appropriate for; (1) positions, which provide administrative/clerical support; (2) lack of high quality candidates; (3) Title 10 or Title 32 Military tour personnel.

**V. JUSTIFICATION:**

Supervisors/Managers must certify in writing that the candidate possesses superior qualifications; is forfeiting income that would justify a salary above the base pay for the grade; possesses a unique combination of education and experience that meets the special needs of the California National Guard (See Enclosure 4-6-4 at the end of the enclosure).

**VI. DIRECTORATE FOR HUMAN RESOURCES DUTIES AND RESPONSIBILITIES:**

The Directorate for Human Resources is responsible for insuring that the basis for any Advanced In-Hiring Rate based on superior qualification is fully documented. Documentation includes the specific reason for the use of the authority; the rate requested and the statement of the candidate's income considered in determining the requested pay rate; a list of recruiting sources used or a copy of the vacancy announcements; a copy of each eligible candidate's application with those of other well qualified and available candidate's (include qualification standards use, evaluation criteria and how candidate's compared against the criteria).

The following will be submitted to National Guard Bureau by 15 November of each year: (1) the number of actions taken under this authority; (2) significant problems encountered with use of authority; and (3) benefits derived from delegation.

**VIII. NOMINATING PROCEDURES FOR ADVANCE IN-HIRING RATES BASED ON SUPERIOR QUALIFICATIONS:**

a. Supervisors/Managers will forward the Justification/Certification (See Enclosure 4-6-4 at the end of the enclosure) with the selection package (Nomination for Technician Employment). The Directorate for Human Resources will notify the supervisor/manager of approval/disapproval. **NOTE DO NOT PROMISE PROSPECTIVE TECHNICIAN THAT THIS AUTHORITY IS APPROVED.**

b. Supervisors/Managers will forward a statement from the prospective technician attesting to his/her current actual earnings (certified by the supervisor/manager). This statement will be used for the basis of pay setting.

**ADVANCED IN-HIRING RATE BASED ON SUPERIOR QUALIFICATIONS**

Recommendation and Approval of Advanced In-Hiring Rate Based on Superior Qualifications Authorized Under 5 U.S.C. 5333.

I. Candidate's Name: \_\_\_\_\_

Vacancy Announcement Number: \_\_\_\_\_

Position Title/Series/Grade: \_\_\_\_\_

Organization: \_\_\_\_\_

II. **JUSTIFICATION: (ATTACHED)** As appropriate, describe the candidate's possession of superior qualifications; is forfeiting income that would justify a salary above the base pay for the grade; possesses a unique combination of education and experience that meets the special need of the California National Guard.

\_\_\_\_\_  
**Recommending Official**

\_\_\_\_\_  
**Date Signed**

III. **APPROVAL:**

I have reviewed the request and attached justification for Advanced In-Hiring Rate Based on Superior Qualifications for the above named individual.

\_\_\_\_\_  
**Approving Official**

\_\_\_\_\_  
**Date Signed**

## CHAPTER 5

### TECHNICIAN SERVICES AND BENEFITS

#### 5-1. INTRODUCTION:

The Directorate for Human Resources is the administrator for all technician benefits and services. The Employee Services Section is responsible for providing information about and processing all insurance, retirement, leave benefits and work related injuries for technicians in the California National Guard. The Employee Services Section processes all SF-50's (Notification of Personnel Action).

#### 5-2. FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB):

a. Brochures pertaining to the various health benefit plans are available from the Directorate for Human Resources. Each supervisor should become familiar with the plans available to technicians in his or her locality. Each plan should be explained when initial appointment papers are being prepared.

b. The Federal Employees Health Benefits Program allows each technician 60 days from date of employment to enroll in one of the available plans. There are also other times or occurrences when changes are permitted. These occurrences are shown on the back of the SF-2809 (Health Benefits Registration Form).

c. Enrolled technicians entering on military active duty or active duty for training will continue to be covered by health insurance up to 365 days unless the technician designates in writing that he/she does not want this benefit. Payment can be made either directly to the Defense Finance and Accounting Service (DFAS), Denver, CO, or retroactively once he/she has returned to duty. (See Chapter 8 for more details)

d. Open Season is available every year during November and December. During open season technicians may change health plans or enroll if currently not enrolled. Open season enrollments are effective the first pay period in January.

e. Temporary Continuation of Coverage (TCC) is available to technicians who separate from service and are currently enrolled in FEHB. The health coverage can be continued for up to 18 months if the technician pays their share, the government share and a 2% service fee. Temporary Continuation of Coverage is also available to children who lose FEHB coverage under a family enrollment and to former spouses who lose FEHB coverage because of divorce.

### 5-3. FEDERAL EMPLOYEES GROUP LIFE INSURANCE (FEGLI):

a. A technician's Basic Insurance Amount (BIA) is equal to either (a) annual basic pay rounded up to the next \$1,000 plus \$2,000 or (b) \$10,000, whichever is greater. In addition to Basic life insurance coverage the following options are available:

(1) Option A – Standard Life Insurance in the amount of \$10,000.

(2) Option B – Additional Life Insurance in an amount equal to one, two, three, four or five times your annual basic pay (after rounding up to the next \$1,000).

(3) Option C – You may elect Family Life insurance to provide coverage for your spouse and eligible family members. You may elect either one, two, three, four or five multiples of coverage. Each multiple is equal to \$5,000 for your spouse and \$2,500 for each of your dependent children.

b. Basic life insurance coverage is provided each newly appointed technician, unless a waiver of coverage is initiated by the technician on a SF-2817 (Life Insurance Election Form). The SF-2817 is part of the initial employment packet and the technician must indicate their desire for basic life insurance, optional insurance or indicate their desire to waive life insurance coverage. **If no SF-2817 is received from the technician at the time of their appointment they are considered as covered for basic life insurance purposes and a payroll deduction will be made.** Technicians may at any later date, cancel the insurance and stop payroll deduction by initiating the waiver on a SF-2817.

c. Federal Employees' Group Life Insurance coverage may be canceled at any time by completing a SF-2817, with signature and date entered in Part 5, and forwarding to the Directorate for Human Resources.

d. Once life insurance is declined (waived), technicians may not request enrollment for at least 12 months from the date of declination, and only then if they are under age 50 and can provide medical proof of insurability. The medical examination needed for proof of insurability must be paid for by the technician. Enrollment anytime after the twelve months waiting period after declination (usually 12 months after initial appointment) must be accomplished by use of a SF-2822 (Request for Insurance, Federal Employees Group Life Insurance Program), which may be obtained from the Directorate for Human Resources.

e. When a technician takes leave without pay to enter active duty their life insurance continues for up to 12 months. If a technician separates for active duty life insurance continues for up to 12 months or 80 days after active duty service ends, whichever is sooner. There is no cost to the technician for this extension of coverage.



f. All death claims pertaining to FEGLI will be initiated and processed by the Directorate for Human Resources. Supervisors will immediately advise the Directorate for Human Resources of any technician death.

#### **5-4. RETIREMENT:**

a. A technician is covered by one of two retirement systems depending on date of hire. Technicians hired before 1 January 1984 are covered by the Civil Service Retirement System (CSRS). Technicians first hired on or after 1 January 1984 are covered by the Federal Employees' Retirement System (FERS). Technicians rehired after 1984 who were previously covered under CSRS with at least 5 years of service and have a break in service of more than 1 year are covered under the CSRS Offset Plan. Technicians in the CSRS Offset Plan must pay the Social Security tax and small contribution to the CSRS fund. CSRS Offset technicians receive a full CSRS annuity until age 62. If eligible for Social Security benefits at age 62 the CSRS annuity is reduced to offset Social Security benefits earned while in Federal service. Retirement eligibility is the same for technicians covered by CSRS or CSRS Offset plan. (See Enclosure 5-1 and Enclosure 5-2 for Retirement Eligibility Provisions at the end of the chapter).

b. *Optional Retirement (Voluntary):*

(1) CSRS Requirements For Voluntary Retirement are:

(a) Must have been employed and making contributions to the retirement system for at least one year within the 2 year period immediately preceding separation.

(b) Age 62 and 5 years civilian service, or

(c) Age 55 and 30 years of creditable service, including 5 years civilian service, or

(d) Age 60 and 20 years of creditable service, including 5 years civilian service.

(2) FERS Requirements For Voluntary Retirement are:

(a) Age 62 and 5 years civilian service, or

(b) Age 60 and 20 years of creditable service including 5 years of civilian service, or

(c) Minimum Retirement Age (55-57) and at least 10 years creditable service including 5 years of civilian service. The Minimum Retirement Age (MRA) is dependent upon the technician's year of birth. The annuity based on the MRA is reduced 5% for every year under age 62.

(3) It is the responsibility of technicians meeting optional retirement requirements, who desire to retire, to advise the Directorate for Human Resources of their intended retirement at least 60 days in advance of the desired effective date.

(4) It is the responsibility of the Directorate for Human Resources to verify eligibility and to forward necessary forms and instructions to the technician and forward completed retirement package to Defense Finance and Accounting Service (DFAS), Denver, CO for processing to the Office of Personnel Management.

*c. Discontinued Service Retirement:*

(1) CSRS Requirements For Discontinued Service Retirement are:

(a) Must have been employed and making contributions to the retirement system for at least one year within the 2 year period immediately preceding separation.

(b) Be age 50 and completed 20 years creditable service, including 5 years of civilian service, or

(c) Regardless of age, completed 25 years of creditable service, including 5 years of civilian service.

(d) There is a 2% reduction to the retirement annuity for every year under age 55.

(e) Separation must be involuntary.

(2) FERS Requirement For Discontinued Service Retirement are:

(a) Be age 50 and completed 20 years creditable service, including 5 years of civilian service, or

(b) Regardless of age, completed 25 years of creditable service, including 5 years of civilian service.

(c) An annuity supplement based on Social Security earnings while in FERS service is applied until technician reaches age 62.

(d) The annuity is reduced by 5% for every year under age 62.

(e) Separation must be involuntary.

(3) Examples of involuntary separation are:

(a) National Guard Officers, Warrant Officers, and Enlisted personnel who are separated due to elimination under provisions of The Reserve Officers Personnel Management Act (ROPMA) or other selective retention programs.

(b) Loss of military membership due to becoming age 60.

(c) Accepting an appointment as a General Officer.

(d) Loss of military membership for medical reasons.

(e) Reduction-In-Force (RIF).

(f) Management directed reassignment outside local commuting area.

(4) Examples of separations **not** considered involuntary are:

(a) Failure to except an enlisted technician's reenlistment application by any method other than qualitative or selective screening retention action.

(b) Loss of military membership for cause on charges of misconduct, delinquency, or inefficiency.

(c) Commissioning of enlisted technician that causes failure to hold the military grade specified for their technician position.

(d) Loss of military membership due to Weight Control Program.

(e) Loss of military membership due to failure to pass physical fitness test.

(5) It is a supervisor's responsibility to notify the Directorate for Human Resources when it is apparent that a technician may lose their military membership or has other significant changes in military status that would affect technician employment.

(6) It is the responsibility of the Directorate for Human Resources to determine eligibility for a Discontinued Service Retirement Annuity, notify the technician, and prepare documents that are forwarded to the technician for completion.

#### d. Disability Retirement

##### (1) CSRS Requirements For Application For Disability Retirement:

(a) Must have 5 years CSRS service.

(b) Must have become totally disabled for useful service in his/her position or any other position of the same grade and class.

##### (2) FERS Requirements For Application For Disability:

(a) Must have at least 18 months FERS service.

(b) Must have become totally disabled for useful service in his/her position or any other position of the same grade and class.

(3) A technician who loses military membership for medical reasons is entitled to a Disability Retirement under Public Law (P.L) 97-253, even if they do not meet the usual medical disability required by Office of Personnel Management.

(4) It is the responsibility of the supervisor to keep technicians informed of their right to file for a Disability Retirement and notify the Directorate for Human Resources when an application for Disability Retirement is needed.

(5) It is the responsibility of the Directorate for Human Resources to provide the necessary forms and instructions to the technician for completion. The Directorate for Human Resources is responsible for final processing before forwarding Defense Finance and Accounting Service, Denver, Colorado, and then to Office of Personnel Management.

(6) While a claim for Disability Retirement is pending, if the technician is incapacitated to the degree that the assigned duties cannot be performed, the technician can be placed in a sick leave, annual leave, compensatory time, or LWOP status until the final Office of Personnel Management adjudication has been made. Upon acceptance of eligibility by Office of Personnel Management, the technician will be terminated after all sick leave has been used. If military membership has already been lost, the technician will be terminated upon receipt of approval of annuity from Office of Personnel Management. The Directorate for Human Resources will notify the technician and the supervisor of the retirement date.

#### e. *Deferred Retirement:*

##### (1) CSRS Requirements For Deferred Retirement are:

(a) At least 5 years civilian service (technician or other Federal service).

(b) Age 62.

(c) A retirement deductions have remained on deposit after termination from Federal Service.

(d) Annuities for deferred retirement are based on the same formula as for Optional or Discontinued Service Retirement and computed on the actual years of creditable service.

(2) FERS Requirements For Deferred Retirement Are:

(a) At least 5 years civilian service (technician or other Federal civilian service).

(b) Age 62.

(c) All retirement deductions have remained on deposit after termination from Federal service.

(d) Annuities for deferred retirement are based on the same formula as for Optional or Discontinued Service Retirement and computed on the actual years of creditable service.

(3) It is the responsibility of the technician to make application for Deferred Retirement. Upon reaching age 62 the technician must contact the Office of Personnel Management, Retirement Operations Center, P.O. Box 45, Boyers, PA, 16017 for application and instruction.

f. *Deposit and Redeposit:*

(1) Technicians Covered By CSRS:

(a) Technicians with prior service who withdrew CSRS contributions will have their annuity reduced if a redeposit is not made.

(b) Unless a technician who is covered by CSRS makes a deposit to the retirement fund to cover any periods of service for which retirement deductions were not made, the annuity will be reduced by 10% of the amount owed.

(c) A technician covered by CSRS may increase their retirement benefits by applying for and making voluntary contribution to the retirement fund. Contributions can be made in \$25 increments. The interest earned is directly related to the average yield of new investments purchased by the Retirement Board.

(d) Application for CSRS Deposit or Redeposit is made on SF-2803 (Application to Make Deposit or Redeposit).

(2) Technicians Covered By FERS:

(a) Technicians covered by FERS may make a deposit for periods of service for which retirement deductions were not made as long as the service was performed before 31 December 1988. Temporary service performed before 31 December 1988 will not be creditable unless a deposit is made. Temporary service performed after 31 December 1988 is not creditable for retirement.

(b) Standard Form (SF) 3108, (Application to Make Service Credit Payment for Civilian Service) (FERS) is used to make deposits.

*g. Deposit For Military Service (Military Buyback):*

(1) Technicians Covered By CSRS:

(a) Military service performed by technicians who became subject to CSRS before 1 October 1982 is creditable for retirement. If a deposit is not made on the military service before retirement, at age 62, if the technician is eligible for Social Security, the retirement annuity will be recomputed without credit for the military service.

(b) A technician who became subject to CSRS after 1 October 1982 **must** make a deposit on military service to receive credit for retirement.

(c) The military deposit is 7% of the basic pay earned during the military service performed, plus interest.

(d) Military service performed before 1 January 1957 is automatically creditable for CSRS retirement, no deposit is required.

(e) Post 1956 military deposit may be made anytime before retirement.

(2) Technicians Covered By FERS:

(a) A deposit **must** be made on military service performed after 1 January 1957 to be creditable for retirement purposes under FERS rules.

(b) Military service performed before 1 January 1957 is automatically creditable for FERS retirement, no deposit is required.

(c) The military deposit is 3% of the basic pay earned during the military service performed, plus interest.

(d) Post 1956 military deposit may be made anytime before retirement.

(3) A technician may find out the amount of earnings received for creditable military service by completing OPM Form RI 20-97 (Service Credit Payments for Post 1956 Military Service). The RI 20-97 is then sent to the appropriate Military Pay Center listed on the back of the form. When the RI 20-97 is returned to the technician with the military pay information it is then sent to the Directorate for Human Resources for further instructions on completing your Military Deposit.

*h. Refund of Retirement Contributions:*

(1) Upon termination technicians covered by CSRS, who are not eligible for an annuity will be provided a SF-2802 (Application for Refund of Retirement Deductions). A technician may leave their retirement deductions on deposit with OPM or may withdraw the deductions.

(2) Upon termination technicians covered by FERS, who are not eligible for an annuity will be provided a SF-3106 (Application For Refund of Retirement Deductions). A technician may leave their retirement deductions on deposit with OPM or may withdraw the deductions. A technician who receives a refund of FERS deductions forfeits credit for service covered by the refund and it cannot be restored.

**5-5. DEATH BENEFITS:**

a. If a technician covered under CSRS had at least 18 months of service and had been married for at least 9 months, a surviving spouse is entitled to death benefits upon the death of the technician.

(1) Under CSRS There Are Two Types Of Death Benefits:

(a) Survivor Annuity, or

(b) Lump sum payment.

(2) The spouse is entitled to the survivor annuity which is based on 55 percent of either; (a) annuity based on the general formula of high-3 average salary and length of service or; (b) a guaranteed minimum (lesser of 40 percent of the high-3 average salary at date of death or annuity under the general formula after increasing the technician's actual service by the time between the date of death and age 60).

(3) Survivor benefits begin on the day after the technician dies. Remarriage before age 55 terminates the survivor annuity.

(4) Surviving children are eligible for death benefits. Each child will receive a survivor annuity every month until the end of the month he/she reaches age 18 unless he or she marries or becomes capable of self-support. If the child is a student he/she will receive an annuity until age 22.

(5) If there is a surviving spouse or parent each eligible child will receive an annuity the lesser of: (1) 60% of the technicians high-3 average salary, (2) \$4,020, or (3) 12,060, divided by the total number of eligible children. If there is no surviving spouse or parent, each eligible child will receive the lesser of: (1) 75% of the technician's high-3 average salary, (2) \$4,284, or \$14,472, divided by the total number of eligible children.

(6) If a technician covered by CSRS dies after retirement, the surviving spouse is entitled to a survivor annuity if the retiree elected current spouse survivor annuity at the time of retirement.

b. If a technician covered under FERS had at least 18 months of creditable civilian service and had been married for at least nine months, a surviving spouse is entitled to death benefits upon the death of the technician.

(1) If the deceased employee had less than 10 years of FERS service, the basic death benefit for the surviving spouse is equal to \$15,000 adjusted by the Consolidated Performance Index (\$21,335.30 for 1997), plus 50% of the technician's final salary or high-3 average salary, whichever is higher.

(2) If the technician had more than 10 years of FERS service at date of death, the surviving spouse is eligible for the basic death benefit and an annuity equal to 50% of the unreduced annuity the technician would have received if he or she had retired on the date of death.

(3) The basic death benefit may be paid over a 36-month period or paid in a lump sum. The surviving spouse may roll over all or any portion of the basic death benefit to an IRA. The survivor annuity begins on the day after the technician dies. The survivor annuity terminates if he or she remarries before age 55.

(4) Surviving children are eligible for death benefits. Each child will receive a survivor annuity every month until the end of the month until age 18 unless he or she marries or becomes capable of self-support. If the child is a student he or she will receive an annuity until age 22.

(5) The amount of a child's survivor benefit depends on whether the child is entitled to Social Security benefits and whether the spouse of the deceased technician is still living. If the technician is survived by a spouse or has a living parent, then each eligible child is entitled to receive annually the lesser of: (a) 60% of the technician's



high-3 average salary, (b) 4,020, or \$12,060 divided by the total number of eligible children. The total amount payable to all the children will be reduced by total Social Security Benefits paid to any of the children and then divided equally among all the children.

(6) If the technician is not survived by a spouse or the child has no living parent, then each eligible child is entitled to receive annually the lesser of: (a) 75% of the technician's high-3 salary, (b) \$4,824, or (c) \$14,472 divided by the total number of eligible children. The total amount payable to all the children is reduced by the total Social Security benefits paid to any of the children, then divided equally among all eligible children.

(7) If a technician covered by FERS dies after retirement, the surviving spouse is entitled to a survivor annuity if the retiree elected current spouse survivor annuity at the time of retirement.

c. Upon the death of a technician, the Directorate for Human Resources must be notified immediately. The Directorate for Human Resources will coordinate with the deceased technician's supervisor or a family member for a personal visit by a representative from the Directorate for Human Resources to the survivors to give a complete briefing of all benefits payable. The Directorate for Human Resources will complete all forms necessary and forward to the Office of Personnel Management.

## **5-6. THRIFT SAVINGS PLAN (TSP):**

a. The Thrift Savings Plan (TSP) is a retirement savings and investment plan for Federal Employees. Technicians covered by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) can contribute to TSP. The participation rules are different for CSRS and FERS technicians.

### **(1) Open Season:**

If you are eligible to participate, you can sign up to contribute to TSP only during the two open season held each year: 15 May – 31 July and 15 November – 31 January.

### **(2) Thrift Savings Plan For CSRS Technicians:**

(a) If you are a CSRS technician, Thrift Savings Plan is a supplement to your CSRS annuity and there are no contributions made by The Federal Government. A CSRS technician may contribute up to 5% of basic pay.

(b) Newly rehired CSRS technicians with a break of service of more than 31 days can contribute to TSP the first open season after you are rehired.

(3) TSP For FERS Technicians:

(a) Thrift Savings Plan is an integral part of your retirement package, along with your FERS Basic Annuity and Social Security. When you become eligible, your agency automatically contributes 1% of basic pay to your TSP account, and you also can contribute up to 10% of your basic pay to your TSP account. When a FERS technician contributes to TSP the Federal Government makes matching contributions. Matching contributions apply to the first 5% of contributions made by you. Your contributions are matched dollar for dollar for the first 3% of your contributions and 50 cents on the dollar for the next 2%.

(b) A newly hired FERS technician can elect to contribute to TSP during the second open season after date of hire.

(c) A technician hired between 1 January and 30 June is eligible to contribute the next 15 November – 31 January open season. A technician hired between 1 July and 31 December is eligible to contribute the next 15 May – 31 July open season.

(d) The automatic agency 1% contributions begin the first full pay period of the last calendar month of the open season in which you become eligible.

(e) If you are a newly rehired FERS technician break in service of more than 31 days and were previously eligible you can begin contributions the first open season after you are rehired.

(f) If you stop contributing to TSP you must wait through one open season before you can start contributing again.

(4) Investments:

(a) The money you contribute is taken out of your pay before taxes are calculated. You defer paying taxes on the money you contribute and it's earnings until you withdraw your account.

(b) As a TSP participant you can invest TSP investment funds. These investment funds are currently the Government Securities Investment fund (G Fund), Common Stock Index Investment (C Fund) and Fixed Income Index Investment (F Fund).

(5) TSP Loans: You may borrow money from your contributions and their earnings. You must be in pay status to obtain a loan, because you repay your TSP Loan through payroll allotments. The minimum amount you may borrow is \$1,000, the maximum amount you may borrow is no more than the amount of your contributions. The interest rate for the life of a TSP loan is the latest interest rate on the G Fund at the time your application is received at the TSP Service Office. The interest you pay on the loan will go into your TSP account along with repayments of the loan principal. You can have two loans outstanding at any one time.

(6) Withdrawing Your TSP Account: You cannot withdraw your TSP account while you are still employed by the Federal Government. When you do leave Federal Service you can receive your account in a single payment, a series of monthly payments, purchase a life annuity or transfer all to an Individual Retirement Account (IRA).

## **5-7. FEDERAL EMPLOYEES' COMPENSATION ACT (FECA):**

a. The Federal Employees' Compensation Act (FECA) provides for payment of medical expenses and wage compensation for technicians who suffer injuries or become ill as a result of the performance of their official duties. Federally paid technicians are **not** covered by FECA when they are in military status (Federal active duty, active duty for training, inactive duty for training, or state active duty) whether in a pay or non-pay status; or they are not in the performance of their assigned technician duties. The Office of Workers' Compensation Programs (OWCP) will make the final decisions regarding duty status at the time of injury.

### **(1) Types Of Injuries:**

(a) A **traumatic injury** is defined as a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and caused by a specific event or series of events within a single work shift.

(b) An Occupational disease or illness is produced by systemic infections, continued and repeated exposure to stress and strain or conditions of work environment for a period of time more than one work shift.

### **(2) Choice Of Physician:**

(a) When a technician is injured he/she has the right to choose a physician. If that physician makes a referral to a specialist, OWCP will honor that referral, as long as it is for the work-related condition. If a technician wishes to change physicians, he/she **must** request approval from OWCP. OWCP will not pay bills from physicians that have not been approved, other than your first choice of physicians.

(b) The Federal Employees' Compensation Act recognizes **chiropractors** as physicians only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a **subluxation** as demonstrated by X-ray to exist.

(3) Disability Benefits:

(a) If a technician suffers a job-related traumatic injury he/she is entitled to Continuation of Regular Pay (COP) for periods of disability, not to exceed 45 calendar days. If the disability exceeds 45 days the technician is entitled to file for compensation for lost wages.

(b) If a technician suffers an occupational disease or illness and becomes disabled for work, he/she is entitled to apply for compensation for lost wages.

(4) How Claims Are Processed:

(a) The Directorate for Human Resources forwards Claims to OWCP within 10 working days. Claims are received in OWCP, and claims are entered into data system. Claims are then routed to the claims sections for processing. Claims for traumatic injury are processed within 45 days, and claims for occupational disease or illness are processed within 180 days. Claims for occupational orthopedic injury are usually processed within 90 days.

(b) In order to process claims in a timely manner, it is important for injured technicians to submit a detailed statement on how the injury occurred and a complete medical report.

b. It is the responsibility of the injured technician to notify their supervisor of a traumatic injury or occupational disease. The injured technician must submit written notice of injury to their supervisor within the time limits set by FECA or their claim may not be accepted by OWCP.

(1) Forms Used For Reporting Injury:

(a) Written notice of traumatic injuries are submitted on Form CA-1 (Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation). A CA-1 must be filed within 30 days of the injury for COP entitlement. A technician has 1 year from the date of injury to file a CA-1.

(b) Written notice for occupational disease are submitted on Form CA-2 (Notice of Occupational Disease and Claim for Compensation). A CA-2 must be filed within 3 years of the time that the technician became aware that the injury is work related.

c. It is the responsibility of the supervisor to complete the Supervisor's Report on the CA-1/CA-2 and forward to the Directorate of Human Resources for processing in a timely manner. A supervisor should know OWCP procedures and issue authorization for medical treatment in cases of **traumatic** injury.

d. Authorization For Treatment: A supervisor must issue a CA16 (Authorization for Examination and/or Treatment) within 48 hours of an injury. A CA-16 is **not** issued in claims of occupational disease or illness.

e. It is the responsibility of the Directorate for Human Resources to educate and assist supervisors with the Federal Employees' Compensation Act. The Directorate for Human Resources will check completed forms for accuracy and forward to OWCP, act as liaison between OWCP and the injured technician and assist medical care providers, when asked, with billing and other problems related to the on-the-job injury.

## **5-8. MISCELLANEOUS:**

a. *Dental Insurance* – The Federal government does not offer dental insurance to National Guard Technicians. However, almost all of the health benefit plans offer their own dental plans. Technicians should contact their health benefit providers to enroll. Information is also available in the Directorate for Human Resources.

b. *Income Protection* — The California National Guard offers two income protection plans, the NGAUS Technician Protection Program and the Combined Insurance Payroll Protection plan. Premiums will be deducted from your bi-weekly paycheck and will pay benefits if you should become too ill to work. Brochures and information are available in Directorate for Human Resources.

c. *Address Change* – Technicians must notify Directorate for Human Resources in writing of an address change. Notification to Defense Finance and Accounting Service (DFAS), Denver, CO, is essential for TSP and FEHB plans. (See Enclosure 5-3 at the end of the chapter)

d. *Designation of Beneficiary Forms* – Technicians should be advised that it is in their best interest to have a Designation of Beneficiary on file for applicable benefits and that they be kept current. With the exception of TSP Designation of Beneficiary Forms, all Designation of Beneficiary forms are to be submitted to Directorate for Human Resources and are kept on file in the technicians Official Personnel File (OPF). The following beneficiary forms are available in the Directorate for Human Resources:

(1) Federal Employees Retirement System (Standard Form 3102)

(2) Civil Service Retirement System (Standard Form 2808)

(3) Federal Employees' Group Life Insurance (Standard Form 2823)

(4) Unpaid Compensation (Standard Form 1152)

(5) Thrift Savings Plan (TSP-3). Thrift Savings Plan Designation of Beneficiary Forms must be sent directly to the Thrift Savings Plan Service Center.

e. *Name Change* – Technicians must submit a Standard Form 52 (Request for Personnel Action) for a name change. The request must be submitted with a copy of a Social Security Identification Card with the new name.

**FERS  
RETIREMENT ELIGIBILITY PROVISIONS**

**MINIMUM REQUIREMENTS FOR UNREDUCED BENEFITS**

1. 5 YEARS OF CREDITABLE CIVILIAN SERVICE (EXCEPT DISABILITY)
2. SEPERATION FROM A POSITION SUBJECT TO FERS COVERAGE

Type of Retirement	Minimum Age	Minimum Service for	
		Unreduced Benefits (yrs)	Reduced Benefits
Optional (Voluntary) and Deferred	62	5	10
	60	20	
	MRA	30	
Early Optional/Major RIF (Voluntary)	50	20	
	ANY	25	
Discontinued Service (Involuntary)	50	20	
	ANY	25	
Disability	N/A	18 months	

**NOTE 1:** Under Optional, Early Optional and Discontinued Service retirement, an annuity supplement will be payable.

**NOTE 2:** Under a Deferred retirement, FEHB and FEGLI may not be continued.

**MINIMUM RETIREMENT AGE(MRA)**

YEAR OF BIRTH	MRA
Before 1948	55
1948	55 and 2 months
1949	55 and 4 months
1950	55 and 6 months
1951	55 and 8 months
1952	55 and 10 months
1953-1964	56
1965	56 and 2 months
1966	56 and 4 months
1967	56 and 6 months
1968	56 and 8 months
1969	56 and 10 months
1970 and after	57

**CSRS  
RETIREMENT ELIGIBILITY PROVISIONS**

**A. General requirements**

1. Minimum 5 years of civilian service and Federal Government.
2. Employed in a position subject to retirement deductions on date of separation.
3. Subject to retirement deductions for 1 out of the last 2 calendar years before separation on which retirement is based (except disability).

<b>B. Type of Retirements</b>	<b>Age</b>	<b>Years</b>
1. Optional	55	30
	60	20
	62	5
2. Early Optional/Major RIF	50	20
	ANY	25
3. Discontinued Service	50	20
	ANY	25
4. Deferred	62	5
5. Disability	ANY	5



Enclosure 5-3

**MEMORANDUM FOR:** The Directorate for Human Resources  
Attn: Customer Services  
P.O. Box 269101  
Sacramento, CA 95826-9101

**SUBJECT:** Change in Address

Please process change of address as follows:

NAME: \_\_\_\_\_  
(PLEASE PRINT)                      Last                      First                      Middle

SOCIAL SECURITY NUMBER: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_  
Month/Day/Year

NEW ADDRESS:

\_\_\_\_\_  
Address  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City                                      State                                      Zip

DAYTIME PHONE: (     ) \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

## CHAPTER 6

### LEAVE AND OTHER ABSENCES

#### 6-1. HOURS OF DUTY:

- a. The administrative workweek is 80 hours per two-week pay period
- b. There are 26 biweekly pay periods in a work year.
- c. Work schedules and changes are made by The Adjutant General in conjunction with local unions.
- d. Technicians are allowed two 15 minute rest breaks (paid as part of workday). Rest breaks may not be a continuation of the lunch period or used as the last 15 minutes of the day.
- e. Technicians are allowed a 30 minute lunch break (unpaid) and are free from duties and responsibilities and cannot be restricted to their work site.

#### 6-2. HOLIDAYS:

Applicable holidays for technicians will be published in a Directorate for Human Resources Technician/AGR Administrative Instruction (TAAI) annually.

#### 6-3. ANNUAL LEAVE:

- a. *Annual leave is provided and used for two general purposes which are:*
  - (1) To allow the technician an annual vacation period of extended leave for rest and recreation; and
  - (2) To provide periods of time off for personal and emergency purposes.
- b. *Full-time Technicians Earn Annual Leave As Follows:*
  - (1) *Less than 3 years service* – 4 hours each pay period (104 hours each leave year).
  - (2) *Three years but less than 15 years service* – 6 hours each pay period, plus an additional 4 hours the last pay period of each calendar year (160 hours each leave year).

(3) *Fifteen or more years service* – 8 hours each pay period (208 hours each leave year).

c. Annual leave is earned by temporary technicians who have been appointed for 90 days or longer or have been employed for 90 or more days without a break in service. After completing the 90 day period the technician is entitled to use the leave accrued.

d. A maximum of 240 hours of annual leave may be carried over to a new leave year.

e. Annual leave forfeited because of sickness, administrative error, or because of operational demands may be restored. If annual leave is forfeited because the technician could not be excused from duty and there was no reasonable alternative to canceling the scheduled leave, a request for restoration may be submitted to the Directorate for Human Resources. This request must include the reason the leave was forfeited, the date the restored leave will be used and a copy of the SF-71 (Application for Leave) disapproved by the supervisor. The request for reinstatement must be submitted to the Directorate for Human Resources by 15 December. Upon approval of restoration of annual leave it must be used within 6 pay periods.

f. Upon separation, a technician is paid a lump sum for unused annual leave. Accumulated annual leave includes the regular carryover balance from the previous leave year, if any, plus accrued and unused annual leave during the current leave year.

#### **6-4. SICK LEAVE:**

a. Fulltime technicians earn 4 hours of sick leave per pay period. Sick leave is earned from the first pay period of employment and earning is not affected by the type of appointment. There is no qualifying period for the earning of sick leave. Unused sick leave accumulates without limit.

b. The Family Friendly Leave Act (FFLA), Public Law 103-388 made significant changes in leave entitlements. Under 5 CFR 630.401 (a), sick leave can be used as follows:

(1) To receive medical, dental, or optical examination or treatment.

(2) Incapacitation for the performance of duties by physical or mental illness, injury, pregnancy or childbirth. Sick leave is granted to a birth mother only for the period of incapacitation as a result of physical or mental illness, injury, pregnancy, childbirth, or medical examinations or treatments. The birth mother must use annual leave and/or leave without pay for absences from work beyond the period of incapacitation.

Supervisors may grant sick leave only when supported by evidence that is administratively acceptable. A medical certification may be required to verify the incapacitation. **There is no provision in law or regulation to permit the use of sick leave by birth parents who voluntarily choose to be absent from work to bond with a child.**

(3) To provide care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth or medical, dental, optical examination or treatment. As of 2 December 1994, sick leave can be used by a technician to give care or otherwise attend to a family member having an illness, injury or other condition which if a technician had such condition, would justify the use of sick leave. Family member means the following relatives of the technician:

- (a) Spouse, and parents thereof,
- (b) Children, including adopted children and Spouses thereof;
- (c) Parents;
- (d) Brothers and sisters, and spouses thereof; and

(e) Any individual related by blood or affinity whose close association with the technician is the equivalent of a family relationship.

(4) To make arrangements necessitated by the death of a family member or attends the funeral of a family member. Technicians can use sick leave for purposes related to the death of a family member. For example, travel; attending services; reading of the will.

(5) As determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease would jeopardize the health of other technicians. Leave approving officials should rely on the expertise of health authorities or a health care provider in determining whether a communicable disease would place the health of other technicians in danger.

(6) Must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. A technician can use sick leave if an adoption agency or court orders adoptive parent(s) to take a specific period of time off to bond with the child. However, sick leave is not justified if adoptive parent(s) wish, on their own, to remain at home to bond with the child.

c. There is a limit on the amount of sick leave a technician can use for family care and bereavement each leave year. The basic limit for full-time technicians is 40 hours. An additional 64 hours can be used if the use of that leave does not cause the amount of sick leave to the technician's credit to fall below 80 hours. The minimum balance must exist after deducting the amount that will be used for family care or bereavement. At no time may a technician use more than the amount of sick leave accrued in a leave year. Sick leave used for family care or bereavement under the family and medical leave or leave transfer rules counts when determining the amount of leave used in a leave year.

d. A supervisor may require a medical certificate to support use of sick leave for 3 days or more. A medical certificate is a written statement signed by a registered practicing physician or other practitioner certifying the incapacitation, examination, or treatment for the period of disability. For absences of short periods at frequent intervals whenever there is a reason to believe that the sick leave privilege is being abused, the technician will be advised in writing that a medical certificate will be required to support any future use of sick leave regardless of duration.

#### **6-5. ADVANCED SICK LEAVE:**

Sick leave may be advanced in cases of serious disability or ailments and when required by the urgency of the situation. Total advancement of sick leave cannot exceed 240 hours at any one time and is subject to the following conditions:

a. CAL NG Form 690-4 (Request for Advance Sick Leave) has been completed and approved by the nominating supervisor. (See Enclosure 6-1 at the end of the chapter)

b. The Request For Advance Sick Leave is supported by a medical certificate. A medical certificate is a written statement signed by a registered practicing physician or other practitioner certifying the incapacitation, examination, or treatment, or the period of disability while the patient (or technician's family member) is receiving professional treatment. Under The Federal Employees Family Friendly Leave Act technicians may use 40 hours of sick leave care or bereavement purposes. The 80 hours requirement may not be advanced. However, if the technician has 80 hours of sick leave in his or her account, 40 hours of sick leave may be advanced for family care or bereavement.

c. All available accumulated sick leave has been exhausted before advancement (except in the case of family care or bereavement).

d. Annual leave that would otherwise be forfeited is used; and

e. There is reasonable assurance that the technician will return to duty to earn and repay advance sick leave.

f. The number of sick leave hours that may be advanced is determined by the amount of Federal service as shown below:

<u>FEDERAL CIVILIAN SERVICE</u>	<u>ADVANCE SICK LEAVE</u>
90 days or less	No Advance
Less than 1 year	40 hours
1 to 3 years	80 hours
3 to 5 years	160 hours
Over 5 years	240 hours

#### **6-6. FAMILY AND MEDICAL LEAVE ACT OF 1993:**

a. Under the Family and Medical Leave Act of 1993 (FMLA); covered technicians are entitled to a total of 12 administrative workweeks of unpaid leave (LWOP) during any 12 month period for:

- (1) The birth of a son or daughter and care of the newborn.
- (2) The placement of a son or daughter with you for adoption or foster care.
- (3) The care of your spouse, son, daughter, or parent with a serious health condition.
- (4) Your own serious health condition that makes you unable to perform the duties of your position.

b. Upon return from Family Medical Leave Act leave, you are entitled to maintain health benefits coverage. If you are on leave without pay under the Family Medical Leave Act, you are responsible for paying the employee share of the health benefits premium.

#### **6-7 LEAVE WITHOUT PAY (LWOP):**

a. Supervisors may approve LWOP for periods not to exceed 364 days. Leave without pay for periods over 30 days must be requested on a SF-52 (Request for Personnel Action.)

b. Leave Without Pay for 1 year or more must be approved by The Adjutant General.

c. Technicians who desire to use LWOP to perform uniformed services see Chapter 8 for more details.

## 6-8 COMPENSATORY TIME:

a. In accordance with the Technician Act of 1968 (P.L. 90-486), technicians who work overtime will be compensated with compensatory time in lieu of overtime pay. Compensatory time is earned for work in excess of 40 hours in a week and approved in advance by management.

b. Compensatory time may not be accrued for overtime performed while in a training status, such as, service schools, Professional Education Center courses, or Office of Personnel Management courses.

c. Compensatory time is authorized for travel when it is within the normal duty hours on **off duty days**. If your regular duty hours are 0700-1730 hours, Tuesday through Friday, compensatory time could be earned for travel Saturday, Sunday and Monday if travel is between the normal duty hours 0700-1730. Travel time which commences after normal duty hours on off duty days, is creditable only when the technician is **ordered** to return to his or her duty station for the purpose of reporting to work the next morning. Travel that is performed within the regularly scheduled duty hours on a holiday or on a day designated as the "in lieu of" holiday is **not** compensatory time. Holiday hours are included in the basic forty hour workweek and are, therefore, not considered as compensatory time. Holiday premium pay is authorized in these instances. (See Chapter 4 for more details.)

d. Temporary technicians are entitled to earn compensatory time.

e. If a temporary technician is terminated before compensatory time is used, the compensatory time is forfeited.

f. Compensatory time must be used before annual leave, unless annual leave would be forfeited.

g. Time limits on the use of compensatory time. Compensatory time must be taken within 26 pay periods after the pay period in which it was earned or it will be forfeited. Compensatory time that is forfeited can **not** be reinstated.

## 6-9. ADMINISTRATIVE LEAVE:

a. An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. Except as provided in paragraph 6-9 b, the authority to approve excused absence remains with The Adjutant General.

b. Authority is delegated to supervisors to administratively dismiss technicians and/or authorize excused absence without charge to leave for the following reasons:

(1) Blood Donation. Technicians who give blood **may** be excused from work without charge to leave. Normally, this should not exceed two hours.

(2) Voting. As a general rule, where the polls are not open at least three hours either before or after a technician's regular hours of work, they **may** be granted an amount of excused leave which will permit them to report for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser amount of time off.

(3) Tardiness and brief absences of less than an hour **may** be excused when reasons appear to be adequate to the supervisor.

(4) For physical examinations when required for continued employment or for military membership.

(5) Attending a conference or convention when it has been determined that the attendance will serve the best interests of the California National Guard.

(6) Participation In Funerals. Up to four hours in any one day while performing in State Active Duty status, without pay, as a pallbearer or as a member of a firing squad in a funeral ceremony for members or former members of the Armed Forces may be granted.

(7) Civil Activities. These periods **will be limited to** no more than a combined total of three workdays during a calendar year. Official civil activities may include but are not limited to inaugurals, dedication of public building and projects, ceremonies for officially invited governmental visitors, and the convening of legislative bodies. Before granting excused absence, it should be determined that such participation is in the best interest of the Federal government (National Guard).

c. Situations not listed above, to include the closing of an activity for a brief period (e.g., weather, loss of utilities, early holiday dismissal) **must be** coordinated through the Directorate for Human Resources for The Adjutant General's approval.



d. Determination of whether excused absence will be authorized in cases of technicians performing emergency rescue, or Civil Defense duties as part of a National Guard commitment will be determined by The Adjutant General.

#### **6-10. COURT LEAVE:**

a. Court leave is leave with pay when a technician is called to court as a witness in a non-official capacity on behalf of a private party in connection with any judicial proceeding to which the United States, State or local Government is a party; or to serve on a jury.

b. A request to appear in court should be presented by the technician to his/her immediate supervisor as far in advance of the actual court day as possible. Upon return to duty, the technician will submit a copy of the court summons and court attendance certificate to his/her supervisor. The supervisor will forward this evidence with Time and Attendance Report.

c. A technician may retain court reimbursement for travel; however, he/she must reimburse the Government for any jury fees received from the court. Fees received that are not authorized to be retained will be remitted to the Defense Finance and Accounting Service (DFAS), Denver, CO.

#### **6-11. MILITARY LEAVE:**

a. Military technicians are authorized by Section 6323(a) of Title 5 U.S.C. 15 days per fiscal year of military leave. The Comptroller General (CG) has long held that military leave is to be charged on a calendar day basis and where it is used for a period of active duty it must also be charged for each non-work day falling within the period (period of active duty not, leave) it is to cover; 61 CG 558 (1982) and 60 CG 381 (1981). Non-workdays and holidays at the beginning or the end of a period of absence to perform military duty are not chargeable.

b. The CG Decision B-141593, 7 Jan 60, allowed commingling annual leave, compensatory time or leave without pay (LWOP) with military leave to cover a period of active duty. However, such leave may not be used in such a way as to avoid charges (circumvent the requirements of the law) to military leave for intervening non-work days and holidays (CG Decisions B212851, 1984 and B246359, 1992).

c. If a technician chooses **not** to use any military leave while absent on military duty, but rather covers the workdays by taking annual leave, leave without pay, compensatory time, or a combination of these, there will be no charge to military leave for the non-workdays or holidays which fall within the period of absence. However, once any amount of military leave is used for a period of active duty then all intervening non-workdays and holidays falling within that period of active duty must also be charged to military leave.

d. Charging of military leave when a technician performs technician and military duty on the same day. In accordance with CG Decision 52-CG-47, technicians who become subject to military control after completing their normal workday are entitled to receive both technician and military pay for that day without charge to leave. If a technician **works a partial day** and takes annual, compensatory time or LWOP for the remainder of the day, there would be **no charge to military leave.**

e. Each fiscal year is considered a separate period of military leave use. The use of military leave does not have to begin on 1 October, but may begin at anytime the technician elects. Once the use of military leave begins, it is charged on a calendar day basis, to include non-workdays until exhausted. Fifteen days military leave is available 1 October every year.

f. Technicians on LWOP-US who desire to use military leave, see Chapter 8 for more details.

## **6-12. MILITARY LEAVE FOR CERTAIN DUTY OVERSEAS:**

a. In addition to the military leave already available under 5 USC 6323(a), (b), and (c), Section 1039 authorized 44 additional workdays of military leave in a calendar year for military reserve technicians.

b. In order for Technicians to use the additional 44 days of military leave the following conditions must be met: The technician must be on **active duty without pay** under section 12301(b) or 12301(d) of **Title 10** (other than active duty declared by the President or Congress) for participation in operations **outside the United States**, its territories and possessions.

c. The 44 workdays of military leave are available on a calendar year basis, and cannot be carried over to a new calendar year. Technicians may mix leave types during a tour, but leave may not be mixed to avoid a charge to weekends when a technician elects to use the original 15 days type military leave during any part of the tour. Tax exemption is a military entitlement and is not applicable to civilian pay earnings.

d. The 44 days of leave are converted into hours and charged in the same manner as annual leave and there is no charge for non-workdays and holidays. Technicians who enter military status are not entitled to earn compensatory time.

e. A copy of military orders or a statement by the technicians Commanding Officer showing one of the Title 10 authorities (1230(b) or 1230(d)) and the period of active duty the technician consented to serve without military pay must accompany the Time and Attendance and a copy provided the Directorate for Human Resources.

### **6-13. MILITARY LEAVE TO ENFORCE THE LAW (LEL):**

a. Military Technicians will not be ordered to State Active Duty when their duties fall within their technician position description. If the technician's services are required after completion of the normal workday or weekends, compensatory time is appropriate. Technicians working on a holiday are entitled to holiday pay.

b. Technicians **not performing within their technician position description** who are ordered to State Active Duty, must elect to be in an annual leave, leave without pay (LWOP), compensatory time, or Law Enforcement Leave (LEL) status. **Administrative leave is not authorized.**

c. This additional leave is authorized without loss or reduction of leave to which otherwise entitled for the purpose of providing aid to enforce the law. This includes situations where the National Guard performs "law enforcement" duties while assisting civil authorities. For example, participation in rescue or protective work in connection with fires, floods, or other natural phenomena. This does not include logistical support of the aforementioned missions. Each National Guard Technician serving under a permanent or indefinite status appointment who is a member of the National Guard is entitled to Law Enforcement Leave for not more than 22 workdays in a calendar year for the reasons described above under full-time military service for the state. Excused absences and other types of leave, i.e. annual and LWOP, may not be granted for performing such duty until the LEL is exhausted. Pay for Law Enforcement Leave may not be less than the pay due a technician at his/her regular civilian pay for the same period of time. Military pay and allowances received (other than travel, transportation or per diem allowance) shall be credited against the technician's civilian pay and, if more than the civilian pay, no civilian pay will be made, nor will a refund of the excess be required. If less than civilian pay, the difference between the military pay and the civilian pay (per technician workday - 8 hours) will be paid. In order to pay under this provision, it will be imperative for the technician to retain his/her military Leave and Earnings Statement (LES) to submit with the civilian time and attendance.

### **6-14. TECHNICIANS ORDERED TO STATE ACTIVE DUTY (SAD) IN SUPPORT OF AN EMERGENCY:**

a. Technicians should not be ordered to SAD when their duties fall within their position description. If the technician's services are required after completion of the normal workday or weekends, compensatory time is appropriate. Technicians working on a holiday are entitled to holiday pay.

b. Technicians not performing duties within their position description who are ordered to SAD during their regular work schedule must elect annual leave, leave without pay (LWOP), or compensatory leave. Law Enforcement Leave (LEL) is authorized without loss or reduction of leave for the purpose of providing aid to enforce the law under 5 U.S.C. 6323(c). Based on Congressional intent, the Statute includes situations where the Guard does not actually perform “law enforcement” duties while assisting authorities .

c. Technicians who are ordered to SAD that is performed in its entirety outside of their technician duty hours need not take leave or report SAD earnings to Technician Pay.

#### **6-15. ABSENCE WITHOUT LEAVE (AWOL):**

Technicians who fail to work as scheduled without being granted leave must be considered absent without leave (AWOL) and carried in an AWOL status for the period of absence. Technicians carried as AWOL will not be entitled to pay for the period of absence even though they may have accrued annual leave, sick leave, or earned compensatory time. If at a later date it is determined that the individual was ill or injured, or that extenuating circumstances prevented their presence at work, they may be granted annual leave, compensatory time off, sick leave, or leave without pay, as appropriate and if available. Authority to determine the technician’s, either AWOL, LWOP, sick leave, annual leave or compensatory time off, as appropriate, rests with the supervisor.

#### **6-16. LEAVE SHARING PROGRAM:**

a. This program permits Department of Defense Technicians to donate annual leave for use by other Department of Defense employees for a medical or personal emergency. Sick leave can not be donated.

b. *Definitions:*

(1) *Leave Donor* – a technician whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient.

(2) *Leave Recipient* – a current technician for whom the Directorate for Human Resources has approved an application to receive annual leave from the annual leave accounts of leave donors.

(3) *Personal Emergency* – a medical or family emergency or other hardship situation that is likely to require a technician’s absence from duty for a prolonged period of time and will result in a substantial loss of income to the technician because of unavailability of paid leave.

(4) *Family Member* – any individual related by blood or affinity whose close association with the technician is the equivalent of an immediate family relationship.

(5) *Approving Official* – The Directorate for Human Resources will act as the approving/disapproving official for receipt of transferred annual leave.

c. *Leave Donation:*

(1) A technician may submit a 630-A (Request to Donate Annual Leave) requesting a specified number of hours of his/her accrued annual leave be transferred from his/her account to the account of a specified leave recipient. The regulations allow the transfer of leave to any employee with the exception of the donor's immediate supervisor. When completed, this form is forwarded to the Directorate for Human Resources. (See Enclosure 6-2 at the end of the chapter)

(2) In any one leave year, a leave donor may donate no more than a total of one half the amount of annual leave he/she would be entitled to accrue during the leave year in which the donation is made:

(a) 4-hour leave earning category = maximum donation of 52 hours.

(b) 6-hour leave earning category = maximum donation of 80 hours.

(c) 8-hour leave earning category = maximum donation of 104 hours.

d. *Leave Recipient:*

(1) May make written application to become a leave recipient if he/she expects to be absent from duty, in an unpaid leave status, for at least ten (10) days due to a medical emergency.

(2) *Leave Accrual* - Annual or sick leave shall accrue to the credit of the technician at the same rate as if the technician were in a paid leave status. However, there is a **maximum amount of 40 hours** that may be accrued by an technician while in a transferred leave status. Any annual or sick leave accrued under this section shall be credited the first pay period after the medical emergency terminates. If the technician's medical emergency terminates due to separation from Federal service, no leave shall be credited.

e. *Initiating a Leave Sharing Request:*

(1) A technician who has been affected by a medical or personal emergency may make written application, utilizing Application for Receipt of Donated Leave ( Enclosure 6-3 at the end of the chapter) to become a leave recipient. To ensure timely processing, the application form must be filled out completely. Letters of justification to support the application may be attached to the Application for Receipt of Donated Leave, but are not mandatory. Incomplete application forms will be returned for additional information.

(2) Upon receipt of an application to receive transferred annual leave, the first level supervisor will verify and validate the technician information in the application. The application must be returned to the applicant if corrections or additional information is required. Once the application receives supervisory endorsement, it is forwarded to the Directorate for Human Resources, ATTN: CAJS-HR-CS, within five (5) workdays from the date of receipt of the application.

*f. Application Approval/Disapproval For Leave Recipient:*

(1) The Directorate for Human Resources will review the leave transfer request and approve/disapprove it based on the nature of the request and support documentation.

(2) If the request is disapproved, the technician will be notified within 10 working days of the Directorate of Human Resources' receipt of the application. The applicant will be provided direct written notice of disapproval and the reasons warranting such action. Copies of the disapproval will be furnished to the first line supervisor.

(3) If the request is approved, and a sufficient number of leave donors have already made written application to the approving official to support the request, the technician will be notified of the approval within 10 working days. Copies of the approved application will be provided to the applicant, the first level supervisor, and Defense Finance Accounting Service, Denver, CO.

(4) If the request is approved, and the technician desires state wide announcement, Directorate for Human Resources will publish a TAAI announcing the technician's need for leave.

*g. Application To Donate Leave:*

(1) A technician may submit to his/her first level supervisor, or leave approving official, a voluntary, irrevocable request to transfer a specific number of whole hours of accrued annual leave to the annual leave account of a specified approved leave recipient. The request to donate will be accomplished by utilizing the Request to Donate Leave Form (Enclosure 2 at the end of the chapter). These forms may be requested from a supervisor and when submitted, must be complete. Failure to provide all of the requested information may cause untimely delays.

(2) Upon receipt of the Request to Donate Leave Form, the supervisor will review for completeness, add additional data as required, then forward the Request to Donate Form to the Directorate for Human Resources.

(3) The approval and use of transferred annual leave by an approved leave recipient shall be subject to all the conditions and requirements imposed by Chapter 63 of Title 5, U.S.C., Part 630. Upon approval, transferred annual leave received by an approved leave recipient may be accumulated without regard to the limitation imposed by 5 U.S.C. 6304 (a) which is normally 240 hours.

*h. Termination Of Medical Emergency:*

(1) Leave recipient's employment is terminated.

(2) End of the biweekly pay period in which the leave recipient is no longer affected by a medical emergency.

(3) End of the biweekly pay period in which the Directorate for Human Resources receives notice from the Office of Personnel Management (OPM) indicating an approved application for Disability Retirement.

(4) When determined that the medical emergency affecting the leave recipient terminates, the supervisor completes the Termination of Medical Emergency Form (Enclosure 6-4 at the end of the chapter). When application for termination is completed it will be forwarded to the Directorate for Human Resources ATTN: CAJS-HR-CS.

*i. Restoration Of Donated Leave:*

Any transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors when the personal emergency terminates. When the personal emergency results in a disability retirement for the technician, the personal emergency is considered terminated when the Directorate for Human Resources receives notification that the disability retirement is approved. The restoration of leave will be administered on a pro rated basis as follows:

(1) Number of hours of unused transferred annual leave divided by total hours of annual leave transferred to the leave recipient.

(2) Result of (1) above times number of hours of leave transferred by the leave donor eligible for restoration and rounded down to the nearest whole hour.

(3) If the total number of eligible leave donors exceeds the total number of hours to be restored, no unused transferred leave shall be restored. In no case shall the amount of leave restored to a donor exceed the amount the donor transferred to the leave recipient.

j. *Prohibition of Coercion:*

(1) An individual may not directly or indirectly intimidate, threaten or coerce any other individual for the purpose of interfering with any right an employee may have to donate, not to donate, receive, or use annual leave under this chapter.

(2) Adequate publicity will be provided by management officials when an application to receive transferred annual leave is approved. Therefore, the leave recipient is discouraged from expressing any personal solicitations to procure transferred annual leave from other employees.

(3) For the purposes of this chapter, the terms “intimidate, threaten, or coerce” include prohibition to promise to confer any benefit associated with employment (such as appointment, promotion, compensation, hours of work, or assignment of duties) or effecting or threatening reprisal for not donating leave.



## REQUEST FOR ADVANCED SICK LEAVE

### Section 1: To be completed by the individual requesting leave

1. NAME:		2. SSN:		3. UNIT/ADDRESS	
4. BRANCH/OFFICE:		5. TECH GRADE:		6. JOB TITLE:	
7. HOURS REQUESTED:		8. INCLUSIVE DATES: FROM:                      TO:		9. USE TYPE: <input type="checkbox"/> INTERMITTENT <input type="checkbox"/> CONTINUOUS	
10. NTE DATE:					
11. REASON FOR REQUESTING ADVANCED LEAVE:					
12. DATE:		13. SIGNATURE OF INDIVIDUAL REQUESTING ADVANCED LEAVE:			

### Section 2: To be completed by Supervisor

14. CURRENT BALANCES:		
SICK: _____ ANNUAL: _____ COMP: _____		
15. I HAVE REVIEWED THE ABOVE REQUEST AND APPROVE THE ADVANCE OF _____ HOURS OF SICK LEAVE:		
16. DATE:	17. TITLE:	18. SIGNATURE:

### Section 3: To be completed by Human Resource Office

19. LEAVE STATUS:		
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		
20. REMARKS:		
21. DATE:	22. TITLE:	23. SIGNATURE:

For Personnel / Payroll Use Only

RESTORED LEAVE AMMOUNT	DATE/PAY PERIOD	INITIALS
------------------------	-----------------	----------

Leave Recipient's name : \_\_\_\_\_

Social Security Number : \_\_\_\_\_

Organization of leave recipient : \_\_\_\_\_

Date of receipt of transferred annual leave : \_\_\_\_\_

Date of medical emergency terminated : \_\_\_\_\_

OR

Date recipient separated from employment : \_\_\_\_\_

OR

Date recipient received notice of approved application for disability retirement : \_\_\_\_\_

Total number of transferred annual leave hours used : \_\_\_\_\_  
( Information to be verified by Time and Attendance records )

*LEAVE RECIPIENT'S ACKNOWLEDGEMENT OF UNUSED TRANSFERRED LEAVE*

\_\_\_\_\_ I understand that the unused transferred leave will not be used to compute lump sum leave payment at the time of separation.

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

*FIRST LEVEL SUPERVISOR'S ENDORSEMENT OF ACKNOWLEDGEMENT*

\_\_\_\_\_ I acknowledge that the leave recipient's medical emergency is terminated ( Reason attached ).

\_\_\_\_\_ Leave recipient employment has been terminated.

\_\_\_\_\_ Leave recipient has an approved application for disability retirement.

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

# REQUEST TO DONATE LEAVE

## Privacy Act Statement

PL 100-202 AND SECTION 6311 OF TITLE 5 CODE AUTHORIZES COLLECTION. THE PRIMARY USE OF THIS INFORMATION IS BY MANAGEMENT AND YOUR PAYROLL OFFICE TO APPROVE AND RECORD YOUR USE OF LEAVE. ADDITIONAL DISCLOSURES OF THE INFORMATION MAYBE: TO THE DEPARTMENT OF LABOR WHEN PROCESSING A CLAIM FOR COMPENSATION REGARDING A JOB CONNECTED INJURY OR ILLNESS; TO A STATE UNEMPLOYMENT COMPENSATION OFFICE REGARDING A CLAIM; TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY WHEN YOUR AGENCY BECOMES AWARE OF A VIOLATION OR POSSIBLE VIOLATION OF CIVIL OR CRIMINAL LAW; TO A FEDERAL AGENCY WHEN CONDUCTING AN INVESTIGATION ON YOU FOR EMPLOYMENT OR SECURITY REASONS; TO THE OFFICE OF PERSONNEL MANAGEMENT OR GENERAL ACCOUNTING OFFICE WHEN THE INFORMATION IS REQUIRED FOR EVALUATION OF LEAVE ADMINISTRATION; AND TO THE GENERAL SERVICES ADMINISTRATION IN CONNECTION WITH ITS RESPONSIBILITIES FOR RECORDS MANAGEMENT.

NAME ( Last, First, MI )	SSN	ORGANIZATION/UNIT
POSITION TITLE	GRADE/STEP	HRLY/ANNUAL PAY RATE
CURRENT ANNUAL LV BAL	No. HRS TO BE DONATED	ANNUAL ACCRUAL RATE
No. of Use or Lose Hrs:	No. of Hrs previously donated this year:	

## LEAVE RECIPIENT

NAME ( Last, First, MI )	ORGANIZATION/UNIT
--------------------------	-------------------

## Leave Donor Certification

I Certify that:

- (1) This request to donate leave is fully voluntary, without personal reservations, coercion, or intimidation;
- (2) I acknowledge that the donation of leave is irrevocable;
- (3) I expect nothing in return, to include reciprocal receipt of transferred annual leave;
- (4) I understand that unused transferred annual leave will be returned on a pro-rata basis determined by the approving authority.

Donor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Leave Approving Official

I have reviewed the requester's annual leave balance and the limitations on donations of annual leave.  
 \_\_\_\_\_ Approve \_\_\_\_\_ Disapprove this request.

LEAVE APPROVING OFFICIAL'S SIGNATURE	DATE
TYPE NAME, TITLE OF APPROVING OFFICIAL	OFFICE SYMBOL PHONE NUMBER

TO BE COMPLETED BY THE DIRECTORATE FOR HUMAN RESOURCES

\_\_\_\_\_ APPROVED

\_\_\_\_\_ DISAPPROVED (Reasons Attached)

Approving Officials Name	Title	Signature	Date
--------------------------	-------	-----------	------

APPLICATION FOR RECEIPT OF DONATED LEAVE

## PRIVACY ACT STATEMENT

PL 100-202 AND SECTION 6311 OF TITLE 5 CODE AUTHORIZES COLLECTION. THE PRIMARY USE OF THIS INFORMATION IS BY MANAGEMENT AND YOUR PAYROLL OFFICE TO APPROVE AND RECORD YOUR USE OF LEAVE. ADDITIONAL DISCLOSURES OF THE INFORMATION MAY BE: TO THE DEPARTMENT OF LABOR WHEN PROCESSING A CLAIM FOR COMPENSATION REGARDING A JOB CONNECTED INJURY OR ILLNESS; TO A STATE UNEMPLOYMENT REGARDING A CLAIM; TO A FEDERAL LIFE INSURANCE OR HEALTH BENEFITS CARRIERS REGARDING A CLAIM; TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY WHEN YOUR AGENCY BECOMES AWARE OF A VIOLATION OR POSSIBLE VIOLATION OF CIVIL OR CRIMINAL LAW; TO A FEDERAL AGENCY WHEN CONDUCTING AN INVESTIGATION ON YOU FOR EMPLOYMENT OR SECURITY REASONS; TO THE OFFICE OF PERSONNEL MANAGEMENT OR GENERAL ACCOUNTING OFFICE WHEN THE INFORMATION IS REQUIRED FOR EVALUATION OF LEAVE ADMINISTRATION; AND TO THE GENERAL SERVICES ADMINISTRATION IN CONNECTION WITH ITS RESPONSIBILITIES FOR RECORDS MANAGEMENT.

LEAVE RECIPIENTS NAME (LAST, FIRST, MI)	SSAN	ORGANIZATION / UNIT
---	------	---------------------

POSITION TITLE	GRADE / STEP	HOURLY/ANNUAL PAY RATE
----------------	--------------	------------------------

CURRENT LEAVE BALANCE	ANNUAL ACCURAL RATE	EXPECTED DATE AVAILABLE LEAVE EXHAUSTED
-----------------------	---------------------	---

EXPECTED DURATION OF HARDSHIP (MIN OF 10 WORKDAYS OR 80 HOURS)
--

DESCRIPTION OF HARDSHIP (INCLUDE ANY ATTACHMENTS THAT WILL ASSIST APPROVING OFFICIAL)
---

\*\* ATTACH LATEST LEAVE AND EARNING STATEMENT \*\*

LEAVE RECIPIENTS PHONE NUMBER DURING HARDSHIP
---

PERSON TO CONTACT ON BEHALF OF APPLICANT -	NAME	PHONE
--	------	-------

## RELEASE

RECIPIENT'S FOR DONATED LEAVE MUST AGREE TO THE PUBLIC RELEASE OF THEIR NAME AND THE NATURE OF THEIR PERSONAL HARDSHIP TO ASSIST IN MANAGEMENT'S EFFORTS TO COLLECT DONATED LEAVE. THE RECIPIENT'S SIGNATURE, OR THE SIGNATURE OF THE RECIPIENT'S REPRESENTATIVE, INDICATES APPROVAL TO RELEASE THE RECIPIENT'S NAME AND THE NATURE OF THE PERSONAL EMERGENCY IN EFFORTS TO SOLICIT LEAVE DONATIONS.

APPLICANT'S SIGNATURE	DATE	REPRESENTATIVE'S SIGNATURE	DATE
-----------------------	------	----------------------------	------

## FIRST LEVEL SUPERVISOR'S ENDORSEMENT

\_\_\_\_ I RECOMMEND APPROVAL OF THIS APPLICATION BASED UPON THE HARDSHIP DESCRIBED BY THE APPLICANT AND I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION HAS BEEN VERIFIED AND CORRECT.

\_\_\_\_ I DO NOT RECOMMEND APPROVAL OF THIS APPLICATION BASED UPON THE HARDSHIP DESCRIBED.  
(REASONS ATTACHED)

TYPED NAME, TITLE AND GRADE	SIGNATURE	DATE
-----------------------------	-----------	------

## TERMINATION OF MEDICAL EMERGENCY

LEAVE RECIPIENT'S NAME: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

ORGANIZATION/UNIT: \_\_\_\_\_

DATE OF RECEIPT OF TRANSFERRED ANNUAL LEAVE: \_\_\_\_\_

DATE MEDICAL EMERGENCY TERMINATED: \_\_\_\_\_

OR

DATE PF RECEIPT OF TRANSFERRED ANNUAL LEAVE: \_\_\_\_\_

OR

DATE OF APPROVED APPLICATION FOR DISABILITY RETIREMENT: \_\_\_\_\_

TOTAL NUMBER OF TRANSFERRED ANNUAL LEAVE USED: \_\_\_\_\_

### LEAVE RECIPIENT'S ACKNOWLEDGEMENT OF UNUSED TRANSFERRED LEAVE

\_\_\_\_ I UNDERSTAND THAT UNUSED TRANSFERRED LEAVE WILL NOT BE  
USED TO COMPUTE LUMP SUM LEAVE PAYMENT AT THE TIME OF  
SEPARATION.

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

### FIRST LEVEL SUPERVISOR'S ENDORSEMENT OF ACKNOWLEDGEMENT

\_\_\_\_ I ACKNOWLEDGE THAT THE LEAVE RECIPIENT'S MEDICAL  
EMERGENCY IS TERMINATED (REASON ATTACHED).

\_\_\_\_ LEAVE RECIPIENT EMPLOYMENT HAS BEEN TERMINATED.

\_\_\_\_ LEAVE RECIPIENT HAS AN APPROVED APPLICATION FOR  
DISABILITY RETIREMENT.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## CHAPTER 7

### DISCIPLINE AND ADVERSE ACTION

#### 7-1. GENERAL:

a. The purpose of the discipline and adverse action program is to maintain control and order within the work force by requiring compliance with established rules and regulations. Disciplinary actions will normally be taken using the concept of progressive discipline and will only be initiated to improve the efficiency of the Government. The concept of discipline is the general rule; however, there may be times when the individual's behavior is such that a more severe punishment is required for the first offense. The Table of Penalties (Enclosure 7-1 at the end of the Chapter) provides guidance relating to discipline options. Suspensions and a change to lower grade may be used as separate disciplinary actions or in combination; counseling, warnings and oral admonishments must be recorded on the individual's NGB Form 904-1 (pencil entries only), which are maintained by the technician's first level supervisor.

b. Technicians are always permitted union representation and may ask that all communications be directed through their representative. No letter of reprimand or adverse action (suspension, change to lower grade, or removal) can be issued without prior procedural review by the Directorate for Human Resources. The Directorate for Human Resources must receive original copies of letters of reprimand and adverse actions with the signature of the technician annotated as proof of receipt.

#### 7-2. DISCIPLINE AND ADVERSE ACTION:

Discipline and adverse action includes the following which would normally be followed sequentially:

a. *Counseling*: Friendly, business-like exchange of information guided by the supervisor. It is a private matter between the technician and his/her supervisor and has the specific purpose of improving the technician's conduct or knowledge of a particular subject.

b. *Warning*: Private matter between the technician and the supervisor. Unlike counseling, it has a more serious intent because along with a business-like exchange of information, it is a warning that disciplinary or adverse action may result if the problem is not corrected.

c. *Oral Admonishment*: Disciplinary action that notifies a technician to desist from a certain course of action. Oral admonishments should take place in as private an environment as possible and be in the form of the most appropriate criticism necessary to correct the technician.

d. *Letter of Reprimand*: Written disciplinary action, filed as a temporary document in a technician's Official Personnel Folder (OPF), which makes the technician aware of a violation (e.g., improper attitude, violation of agency rules and regulations). All letters of reprimand require clearance for procedural accuracy by the Directorate for Human Resources before issuance.

e. *Adverse Action*: There are three types of adverse actions which may be taken: suspension (includes indefinite suspension); change to lower grade; or removal. The procedures and protections provided in Technician Personnel Regulation (TPR) 752 must be followed when management initiates any one or a combination of these three adverse actions. (See Enclosure 7-2, Sample Written Reprimand Letter; Enclosure 7-3, Sample Proposed Adverse Action Letter; Enclosure 7-4, Sample Original Decision Letter; Enclosure 7-5, Sample Adverse Action Appeal Letter; Enclosure 7-6, Sample Proposed Adverse Action Selection of Penalty(ies); at the end of the chapter).

### **7-3. RESPONSIBILITY:**

The Directorate for Human Resources is ultimately responsible for conclusive processing of adverse actions. In view of the complex body of laws, regulations and case precedents that govern adverse action and the negative consequences that can occur, it is essential that all actions be meticulously documented, researched, prepared, executed and defended. The Directorate for Human Resources obtains advice and assistance from the State Judge Advocate (SJA) in those cases it is adjudged necessary. Before issuance of a proposed adverse action, original decision or final decision, the Directorate for Human Resources must review the procedural aspects of the action.

### **7-4. PENALTY SELECTION:**

Selection of an appropriate penalty results from a responsible balancing of relevant facts. Some may be in the technician's favor while others may not. The factors listed below are generally recognized as being relevant considerations in determining the appropriateness of a penalty. The following list is intended as a guide and should not be applied in a mechanical fashion:

a. The nature and seriousness of the offense and its relation to the technician's duties, position, and responsibilities, including whether the offense was intentional, technical, inadvertent, or was committed maliciously or for gain or was frequently repeated.

b. The technician's job level and type of employment, including supervisory role, and position of trust such as those involved in handling funds, contacts with the public,



and prominence of the position.

c. The technician's past disciplinary or adverse action record and the time period between these past offenses.

d. The technician's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.

e. The effect of the offense upon the technician's ability to perform at an acceptable level and its effect upon the supervisor's confidence in the technician's ability to perform assigned duties.

f. Consistency of the penalty with those imposed upon other technicians for the same or similar offenses.

g. Consistency of the penalty with those imposed upon other technicians for the same or similar offenses.

h. The notoriety of the offense or its impact upon the reputation of the National Guard.

i. The clarity with which the technician has been made aware of the rule(s) violated in committing the offense, or has been warned about the conduct in question.

j. Potential for technician's rehabilitation.

k. Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, malice or provocation on the part of others involved in the matters.

l. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the technician or others.

#### **7-5. WRITTEN REPRIMAND:**

A supervisor must ensure all relevant facts are raised before issuing a letter of reprimand. This can best be done by discussing the facts with the technician and giving him/her an opportunity to express views or provide explanations. The supervisor takes whatever time is needed to decide whether a letter of reprimand is appropriate. If it is not warranted, the supervisor tells the technician the problem is resolved without the need for disciplinary action. If action is needed but a letter or reprimand is too severe, the supervisor can resolve the problem by orally admonishing the technician. If a letter of reprimand is warranted, the technician is advised that a reprimand will be issued as soon as possible. A letter of reprimand must, as a minimum:

a. *Describe the violation:* Describe the violation in sufficient detail to enable the technician to understand why the reprimand is being given. If the violation relates to a continuing problem, the supervisor should include a summary of past violations and the attempts made by management to correct those violations.

b. *Length of time reprimand will be filed in Official Personnel Folder (OPF):* Tell the technician how long (provide actual date) the reprimand will be filed as a temporary document in their Official Personnel Folder (OPF). Once a letter of reprimand is removed from the OPF it may not be referenced as past discipline.

c. *Advise of consequences of further incidents:* Include a warning that further offenses could result in suspension, change to lower grade, or removal.

d. *Advise reprimand may be grieved:* Advise the technician the reprimand may be grieved through the negotiated grievance system.

#### **7-6. TABLE OF PENALTIES:**

The Table of Penalties (Enclosure 7-1) is a guide; it is not all inclusive. It will aid managers and supervisors in carrying out the principle of “like penalties for like offenses” in genuinely similar cases. The table provides suggested penalties and should not be applied so inflexibly as to impair consideration of factors relevant to the individual case.

#### **7-7. ADVERSE ACTION – OTHER:**

In adverse actions other than disciplinary actions, whether initiated by the Office of The Adjutant General, a subordinate headquarters, or supervisor, the same rebuttal and appeal rights pertain as with disciplinary actions.

#### **7-8. LOSS OF MILITARY MEMBERSHIP:**

a. Concurrent membership in the California National Guard is a condition of employment as a National Guard Technician in the Excepted Federal Service. Excepted Technicians separated from the California National Guard will be separated from their technician position thirty days after military separation.

b. Non-selection for continued unit participation is considered an **involuntary** action. The non-selected technician’s Official Personnel Folder (OPF) is reviewed by the Directorate for Human Resources to ascertain if the eligibility requirements for a Discontinued Service Retirement Annuity are met (50 years old with 20 years service or any age with 25 years of service). If you are under the Civil Service Retirement System (CSRS), your annuity will be permanently reduced by 1/6<sup>th</sup> of 1 percent for each full month (2 percent per year) that you are under age 55. If you are under the Federal Employees Retirement System (FERS), there is no age reduction. (See Chapter 5)

c. Technicians who do not meet the eligibility requirements for a Discontinued Service Retirement Annuity will be paid severance pay based on years of service (military service is not used for severance pay calculation) and age.

d. Non-selected technicians may be entitled to other benefits such as registration in the priority placement program, continuation of health and life benefits, Thrift Savings Plan withdrawal and unemployment compensation.

#### **7-9. FAILURE TO MEET THE REQUIREMENTS OF THE POSITION:**

When a technician can no longer meet the requirements of the technician position, removal from the position is mandatory. This includes situations, such as, a technician loses flying status; physically unable to perform his/her duties; fails to meet the medical requirements the technician position; failure to maintain the military grade/rank, branch of service, or compatible military assignment for the technician position occupied.

#### **7-10. FEDERAL RECOGNITION:**

The provisions of 32 U.S.C. 709(e)(1) preclude the continued employment of any military technician who fails to maintain the appropriate military grade for the technician position occupied. Therefore, in order to properly inform a military technician about the effect Federal recognition will have on his/her technician employment, the Directorate for Human Resources must be advised of the military action early in the commissioning process. The Directorate for Human Resources will then issue a letter advising the technician that:

a. Receipt of Federal Recognition will result in termination from technician employment.

b. Unless selected for a position designated as an officer, termination will occur upon receipt of temporary federal recognition for Army National Guard or upon graduation from Academy of Military Science for Air National Guard.

#### **7-11. FAILURE TO ACCEPT A MANAGEMENT DIRECTED REASSIGNMENT:**

When management determines that the skills and abilities of a technician are required elsewhere, or to avoid a reduction in force (RIF), it may become necessary for a management directed reassignment of that technician. Declination of a management directed reassignment will result in termination from technician employment.

#### **7-12. FAILURE TO TRANSFER WITH FUNCTION:**

The notice of transfer advises the technician that failure to accept the transfer will result in termination from employment.

### **7-13. FURLOUGHS FOR 30 DAYS OR LESS (22 WORKDAYS):**

a. Furlough means the placing of a technician in a temporary status without duties and pay for non-disciplinary reasons. Furloughs may become necessary due to lack of work; lack of funds; breakdown of equipment; or other situations requiring immediate curtailment of activities.

b. The Directorate for Human Resources is responsible for preparing and issuing written furlough notices. Whenever possible, the notice should be given to technicians 24 hours before the furlough is effected.

### **7-14. TECHNICIAN GRIEVANCES:**

Technicians can file grievances in accordance with the procedures set forth in:

a. The Agency Grievance Procedure, Annex B, applicable to all California National Guard technicians not eligible for membership in the exclusive bargaining unit.

b. The Negotiated Grievance Procedure contained in the appropriate current labor/management agreement. The Civil Service Reform Act, 5 USC 7121, requires the negotiated grievance procedure be the exclusive forum for grievances by technicians who are eligible for membership in the exclusive bargaining unit.

### **7-15. LABOR RELATIONS ACTIVITIES:**

California National Guard technicians have the right, freely and without fear of reprisal or penalty, to form, join or assist any technician organization; or to refrain from any such activity. All technicians must be made aware of this right. Management officials, supervisors, and individuals performing federal civilian personnel work, other than in a purely clerical capacity, are prohibited from being members of a unit or local which includes rank and file members of the organization. All eligible California National Guard technicians are represented by a technician organization. Supervisors are responsible for familiarizing themselves and complying with the current Labor/Management Agreement applicable to technicians under their supervision.

### **7-16. STANDARDS OF CONDUCT:**

The following is a summary of the rules of conduct that pertain to all California National Guard technicians. Supervisors, managers and technicians must be familiar with these rules so they will be able to quickly recognize situations to be avoided.

a. Department of Defense Directive 5500.7 requires that all technicians be informed of the standards of conduct upon employment, and that the standards are brought to the attention of technicians on a semi-annual basis. The Directorate for Human Resources will publish a Technician/AGR Administrative Instruction (TAAI) to remind supervisors and managers to brief their technicians on rules of conduct.

b. *Gifts, Entertainment and Favors:*

(1) A technician is prohibited from soliciting or accepting, directly or indirectly, any gift, gratuity, or favor, entertainment, loan, or any other thing of monetary value from a person who has, or is seeking to obtain, contractual or other business or financial relations with the agency.

(2) A technician is prohibited from soliciting contributions from another technician for a gift to a technician in a supervisor/official position.

(3) A supervisor/official is prohibited from accepting a gift presented as a contribution from technicians receiving less salary.

(4) A technician is prohibited from making a donation as a gift to a technician in a higher official position. This does not prohibit a voluntary gift of nominal value or donation in a nominal amount when made on special occasions such as marriage, illness, or retirement.

c. *Outside Employment:* A technician is prohibited from engaging in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of their Government employment.

d. *Financial Interests:* Technicians are prohibited from having a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government employment.

e. *Use of Government Property:* Technicians are prohibited from directly or indirectly using or allowing the use of Government property of any kind for other than official use.

f. *Misuse of Information:* Technicians are prohibited from directly or indirectly using or allowing the use of official information obtained from the Directorate for Human Resources or in connection with his/her Government employment which has not been made available to the general public, for the purpose of furthering a private interest.

g. *Indebtedness*: A technician's failure to pay their just debts usually has two undesirable effects. First, since the creditor cannot garnish a technician's salary the only recourse is to try to enlist the help of the agency personnel office. If this is not successful, the creditor is left with the feeling that the California National Guard and the Federal Government are as much to blame as the technician. Thus, an unfavorable image is created. Secondly, correspondence with the creditors, memos to and conferences with the technician involved, add considerably to the workload of the office. Consequently, technicians are required to pay each just financial obligation in a proper and timely manner. A just financial obligation means one acknowledged by the technician or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes.

h. *Gambling, Betting, and Lotteries*: Technicians are prohibited from participating while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

i. *Engaging in Riots or Civil Disorders*: A person convicted of participating in a riot or civil disorder is barred from employment.

j. *General Conduct Prejudicial to the Government*: Technicians are prohibited from engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

This page is reserved for future use.

## TECHNICIAN PERSONNEL REGULATION 752

## TABLE OF PENALTIES

The table of penalties provided below is a guide; it is not all inclusive. It will aid managers and supervisors in carrying out the principal of 'like penalties for like offenses' in genuinely similar cases. The table provides suggested penalties and should not be applied so inflexibly as to impair consideration of factors relevant to the individual case. Throughout the table, the word 'day' means 'calendar days'.

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
1. Attendance related offenses	a. Unexcused tardiness	Oral admonishment to written reprimand	Written reprimand to 1-day suspension	2-day to 5-day suspension	1
	b. Failure to follow established leave procedures	Written reprimand to 5-day, suspension	1-day to 5-day suspension	5-day suspension to removal	
	c. Absence without leave (AWOL)	Written reprimand to 5-day suspension	1-day to 15-day suspension	5-day suspension to removal	2
2. Failure to observe written regulations, rules	a. Violation where safety to persons or property is not involved	Written reprimand to 1-day suspension	1-day to 15-day suspension	2-day suspension to removal	3
	b. Violation where safety to persons or property is involved	Written reprimand to removal	30-day suspension to removal	Removal	3
3. Breach of security regulations or practices	a. Where classified information is not compromised and breach is unintentional	Written reprimand to 5-day suspension	1-day to 15-day suspension	5-day suspension to removal	
	b. Where classified information is compromised and breach is intentional	Written reprimand to removal	30-day suspension to removal	Removal	
	c. Where classified information is compromised and it is a deliberate violation	30-day suspension to removal	Removal		



# Enclosure 7-1-2

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
4. Alcohol-related offenses	a. Unauthorized use of alcoholic beverages while on Government premises or in duty status	Written reprimand to 15-day suspension	15-day to 30-day suspension to removal	30-day suspension to removal	4
	b. Sale or transfer of an alcoholic beverage while on Government premises or in a duty status or while any person involved is in a duty status	Written reprimand to 15-day suspension	15-day suspension to removal	Removal	4
	c. Reporting to or being on duty while under the Influence of alcohol to a degree which would in any way interfere with proper performance of duty, would be a menace to safety, or would be prejudicial to the maintenance of discipline	Written reprimand to 30-day suspension	15-day suspension to removal	Removal	4
5. Drug-related offenses	a. Unauthorized possession of a drug or controlled substance while on Government premises or in a duty status			Removal	4
	b. Unauthorized use of a drug or controlled substance while on Government premises or in a duty status			Removal	4
	c. Reporting to or being on duty while under the influence of a drug or controlled substance to a degree which would in any			Removal	4

Enclosure 7-1-3

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
	way interfere with proper performance of duty, would be a menace to safety, or would be prejudicial to the maintenance of discipline.				
	d. Unauthorized sale or distribution of a drug or controlled substance on government premises or in a duty status or while any person involved is in a duty status	Removal			4
6. False statements	a. Deliberate misrepresentation, exaggeration, falsification, concealment or withholding of a material fact	Written reprimand to removal	1 -day suspension to removal	15-day suspension to removal	7
	b. Making false, malicious or unfounded statements against coworkers, supervisors, subordinates, or Government officials which tend to damage the reputation, or undermine the authority of those concerned	Written reprimand to removal	30-day suspension to removal	Removal	
	c. False statements, misrepresentation, or fraud in entitlements	Written reprimand to removal.	30-day suspension to removal	Removal	5
	d. False statement or misrepresentation, on an SF 171, or other documents pertaining to qualifications, or	Written reprimand to removal	Removal		6

# Enclosure 7-1-4

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
7. Refusal to testify; interference or obstruction	other official record				
	a. Refusal or willful failure to testify or cooperate in a properly authorized inquiry or investigation	3-day suspension to removal	5-day suspension to removal	Removal	
	b. Interference with or suspension to attempting to influence, or attempting to after testimony of witnesses or participants	5-day removal	30-day suspension to removal	Removal	
	c. Attempting to impede inquiry or investigation or to influence investigating officials	10-day suspension to removal	30-day suspension to removal	Removal	
8. Insubordination	Refusal to obey orders, defiance of authority	Written reprimand to removal	5-day suspension to removal	Removal	
9. Fighting; creating a disturbance	a. Creating a disturbance resulting in an adverse effect on morale, production, or maintenance of proper discipline	Written reprimand to 5-day suspension	5-day to 10-day suspension	Removal	
	b. Threatening or attempting to inflict bodily harm	Written reprimand to 15-day suspension	15-day suspension to removal	30-day suspension to removal	8
	c. Hitting, pushing or other acts against another without causing injury	Written reprimand to 30-day suspension	30-day suspension to removal	Removal	8
	d. Hitting, pushing or other acts against another causing injury	30-day suspension to removal	Removal		8
10. Discourtesy	a. Rude, unmannerly, impolite acts or remarks (Non-discriminatory)	Oral admonishment	Written reprimand to 5- to 1-day suspension	1-day to 10-day suspension day suspension	10&11

Enclosure 7-1-5

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
	b. Use of insulting, abusive, day suspension offensive, or obscene language, gestures or similar conduct (non-discriminatory)	Written reprimand to 10-	5-day suspension to removal	30-day suspension to removal	10
11. Stealing or wrongful appropriation	Stealing/wrongfully appropriating, actual or attempted, unauthorized possession of government property or property of others	Written Removal reprimand to removal			
12. Misuse or abuse of government property or personnel	a. Negligent loss, destruction, or damage to government property	Written reprimand to 5-day suspension	Written reprimand to removal	15-day suspension to removal	
	b. Loss of or damage to government property, records or information when a technician is entrusted in safeguarding government property as a requirement of the job (i.e. warehouse worker, supply technician)	Written reprimand to 15-day suspension	Written reprimand to removal	15-day suspension to removal	
	c. Using government property or technician personnel in duty status for other than official purposes	Written reprimand to removal	1-day suspension to removal	15-day suspension to removal	12
	d. Misuse of government credentials	Written reprimand to removal	5-day suspension to removal	15-day suspension to removal	
	e. Willfully using or authorizing the use of a government	30-day suspension to removal	Removal		13

# Enclosure 7-1-6

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
	passenger motor vehicle or aircraft for other than official purposes				
	f. Intentionally mutilating or destroying a public record	Removal			14
13. Sleeping on duty	a. Where no danger to persons or property is involved	Oral admonishment to 1-day	Written reprimand to 5-day suspension	5-day suspension to removal	
	b. Where danger to persons or property is involved	Written reprimand to removal	15-day suspension to removal	30-day suspension to removal	
14. Loafing; delay in carrying out instructions; dereliction of duty	a. Idleness or failure to work on assigned duties	Oral admonishment to 3-day suspension	Written reprimand to 5-day suspension	5-day suspension to removal	
	b. Delay in carrying out or failure to carry out instructions within the time required	Written reprimand to 15-day suspension	3-day suspension to removal	5-day suspension to removal	
	c. Dereliction of duty	Written reprimand to removal	5-day suspension to removal	Removal	
15. Gambling	a. Participating in an unauthorized gambling activity while on government premises or in a duty status	Oral admonishment to written reprimand	1-day to 5-day suspension	5-day to 30-day suspension	
	b. Operating, assisting, or promoting an unauthorized gambling act" while on government premises or in a	15-day suspension to removal'	Removal		

# Enclosure 7-1-7

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
	duty status or while others involved are in a duty status				
16. Prohibited job actions	Participating in or promoting a strike, work stoppage, slow down, sick out or other prohibited job action	Removal			
17. Indebtedness	Failure to honor just financial obligations in a proper and timely manner	Written reprimand	Written reprimand	Written reprimand	15
18. Sexual Harassment	a. Not involving a subordinate	Written reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal	16
19. Discrimination because of race, color, religion, age, sex, national origin, political affiliation, handicap or marital status	a. Use of critical, demeaning, slanderous, inflammatory, defamatory, ignominious, or degrading remarks, comments, observations or statements not directed at a subordinate	Written reprimand to 5-day suspension	1-day to 5-day suspension	5-day suspension to removal	17
	b. Prohibited discriminatory practice in any aspect of employment (e.g. employment, appraisal advancement or treatment of technicians)	Written reprimand to removal			18
20. Reprisal	a. intentional interference with a technician's exercise of, or reprisal against a technician for exercising a right to grieve,	Written reprimand to removal	5-day suspension to removal		

Enclosure 7-1-8

NATURE OF OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARK
	appeal or file a complaint through established procedures				
	b. Intentional interference with a technician's exercise of, or reprisal against a technician for exercising a right under 5 U.S.C. 7101 (governing Federal labor-management relations)	Written reprimand to removal	5-day suspension to removal		
	c. Intentional reprisal against suspension to a technician for providing information to an Inspector General, EEOC investigator, NGB investigator, or for testifying in an official proceeding	30-day Removal removal			
21. Constitutional violation	Violation of a technician's constitutional rights, (i.e., freedom of speech/association/religion)	Written reprimand to removal	5-day suspension to removal	30-day suspension to removal	
22. Conduct unbecoming a National Guard Technician	a. Immoral, indecent, or disgraceful conduct	1-day suspension to removal	Removal		19
	b. Solicitation of or accepting anything of monetary value from person who is seeking contracts or other business or financial gain	10-day suspension to removal	Removal		

## **TECHNICIAN PERSONNEL REGULATION 752**

### **REMARKS**

1. This includes delay in reporting at the scheduled starting time, returning from lunch or break periods, and returning after leaving work station on official business. Penalty depends on length and frequency of tardiness. Fourth offense typically may warrant five (5) day suspension to removal.
2. These penalties generally do not apply to absence without leave (AWOL) charged to tardiness of one-half hour or less. If a technician is absent without leave having been approved, it is appropriate that the time be recorded as AWOL and later changed to an approved leave category only when the approving authority determines that extenuating circumstances were such that the absence is improperly charged to AWOL. This offense includes leaving the work station without permission. Penalty depends on length and frequency of absences. Removal may be appropriate for the first or second offense if the absence is prolonged.
3. "Persons" includes "self. Penalty depends on seriousness of injury or potential injury and extent or potential extent of damages to property.
4. Actions involving this offense must be reviewed to insure the requirements of the Employees Assistance Program (EAP) are met.
5. This offense includes falsifying information on a time card, leave form, travel voucher, or other document pertaining to entitlement.
6. Removal is warranted when selection was based on falsified SF-171 where falsification was intentional or where the technician occupies a position involved in money matters.
7. This offense includes perjury, making false sworn statements, and lying to supervisor.
8. In deciding whether statements are threats, consider that reactions and apprehensions of listeners, the wording of the statements, the speaker's intent, and the attendant circumstances. In selecting penalty, consider such factors as provocation, extent of injuries, whether actions were defensive or offensive in nature, or whether actions were directed at a supervisor.
9. In selecting penalty, consider how severely work is disrupted.
10. Penalty should be exceeded if conduct was directed to a supervisor.



11. Penalty for fourth offense within one year may be 15-day suspension to removal.

12. In selecting the penalty, consider the value of the property or amounts of technician time involved,' and the nature of the position held by the offending technician, which may dictate a higher standard of conduct.

13. In accordance with 31 U.S.C. 638a@ (2), penalty can not be less than 30 day suspension.

14. Penalty dictated by 18 U.S.C. 2071.

15. A "just financial obligation" is one acknowledged by the technician, reduced to judgment by a court, or imposed by law. In a "proper and timely manner" means in a way that shows good faith and a real effort to meet the obligation. Action should not be taken unless management can establish a clear link between the efficiency of the service and the technician's debt. Suspension is not recommended.

16. Sexual Harassment - Influencing, offering to influence, or threatening the career, pay, job, or work assignment of another person in exchange for sexual favors; deliberate or repeated offensive comments, gestures, or physical contact of a sexual nature. Appropriate penalty depends on the facts in a given case weighed against National Guard policy that sexual harassment will not be tolerated. Where conduct created a hostile or offensive work environment, removal is warranted for a first offense.

17. If a subordinate is involved, see Offense #1 9b. If a superior is involved, see Offense #8 (insubordination).

18. Includes failure to prevent or curtail discrimination of a subordinate when the supervisor knew or should have known of the discrimination. Appropriate penalty depends on the facts in a given case weighed against National Guard policy that discrimination is prohibited.

**SAMPLE**

**WRITTEN REPRIMAND**

**(LETTERHEAD)**

**(OFFICE SYMBOL)**

**(DATE)**

MEMORANDUM FOR

SUBJECT: Written Reprimand

**(State briefly the nature of the incident/violation on which the written reprimand is based.)**

1. This Letter of Reprimand is the result of your continued tardiness.

(State clearly the specific offense(s) or violation(s) upon which the Letter of Reprimand is based. Use date, time, place, and/or other information that describes where and how the incident(s) occurred. If the offense includes more than one incident, then list each one in a separate subparagraph.)

2. Specifically, on Friday, 17 April 1999, I informed you that your lack of punctuality in reporting for duty was unsatisfactory. We reviewed your time and attendance record for the preceding two months that you have been tardy in reporting for work 13 of 30 workdays. I reminded you that your tour of duty begins at 0700 hours and that you are expected to start work at that time. I informed you that continued tardiness could result in disciplinary action. For the past three weeks, in spite of our discussion, you have been excessively tardy in reporting for work. Specifically, you were tardy on the dates and to the extent shown below:

Thursday, 23 April 1999, 1 hour tardy; Monday, 27 April 1999, 15 minutes tardy; Tuesday, 4 May 1999, 30 minutes tardy; Monday, 10 May 1999, 1 hour tardy.

**(State how long the written reprimand will be maintained in the technician's Official Personnel Folder. The period may vary from one to three years, (show a specific date) depending on the severity of the offense and any previous occurrences that have been called to the attention of the technician.)**

3. This written reprimand will be made a matter of record and temporarily incorporated in your Official Personnel Folder (OPF) (maintained in the Directorate for Human Resources)

for one year from this date, providing there are no further occurrences to warrant its retention.

**(Provide remedial action comments; be specific in describing ways to correct shortcomings.)**

4. You are required to report to duty not later than 0700 hours every scheduled duty day. You are required to contact me by telephone not later than 0715 hours, if an unexpected situation arises that would prohibit you from reporting to work by 0700 hours. At that time, you must inform me of the reason you are requesting to report to work late and obtain my approval. Any other leave must be requested and approved in advance.

**(Advise that further incidents may result in more severe discipline,)**

5. Any further occurrence of actions, such as, those identified in this letter, could result in more severe disciplinary measures being initiated against you. Future infractions of this nature could lead to removal actions being initiated against you.

**(Include an information statement that a Letter of Reprimand is a grievable matter.)**

6. Please be advised that a Letter of Reprimand may be grieved under the appropriate established grievance procedure.

7. If your conduct is affected by alcoholism or drugs, you are encouraged to take advantage of our Employee Assistance Program. I urge you to contact the Employee Assistance Program (EAP) directly at (800) 523-5668 for an immediate appointment.

(Supervisor's Signature Block)

Receipt acknowledged by \_\_\_\_\_ on \_\_\_\_\_  
(Signature) (Date)

**(Receipted copy of the Letter of Reprimand is furnished to the Directorate for Human Resources for filing in the technician's Official Personnel Folder.)**

**SAMPLE**

**PROPOSED ADVERSE ACTION**

**(LETTERHEAD)**

**(OFFICE SYMBOL)**

**(DATE)**

MEMORANDUM FOR

SUBJECT: Proposed Adverse Action'

**(State the specific action you propose to take, i.e., removal, suspension, and change to lower grade. Include series and grade of position incumbent occupies and show full unit name and mailing address to which the technician is assigned.)**

1. This memorandum will serve as you advance notice that I propose to suspend you for a period of four (4) calendar days (40 hours) from your technician position as Unit Administrator, GS-0303-09, Position Number TF1 234000, located at Company A, 123rd Infantry Battalion, End of the Road, Los Angeles, California not earlier than thirty (30) calendar days from the date you receipt for this notice. The reasons for this proposed suspension are:

**(Refer to Appendix A-5, TPR 752 for the specific charge, i.e., absence without leave, etc. Give the reason(s) for the adverse action. Use all available information in sufficient detail so that the technician will understand why the proposed action it being taken.)**

a. Failure to observe written rules and regulations. When I arrived at the armory at 1000 hours on Wednesday, 12 May 1999, I found the main entrance door to the armory unlocked. Additionally, the south side overhead door was in the open position. A thorough search of the armory revealed that no one else was in the building at the time. Upon your return to the armory at 1300 hours, I met you inside the main entrance door. As we walked to your office (also unlocked) to further review the circumstances, I noted a ring of keys lying on top of your desk. An examination of this ring of keys showed that it included the supply room keys and a master key for all the rooms in the armory. The sign out record showed you held personal responsibility for this set of keys. Your failure to provide reasonable security for the armory facilities by leaving two main entrances unlocked during an absence from the armory premises, combined with the, lack of protection for a complete set of armory keys, is a clear violation of your building and equipment control responsibilities for an individual holding the position of Unit Administrator.

**(if previous offenses of the same or similar nature have been recorded that contribute to the reason(s) for the adverse action, cover in sufficient detail to describe the offense.)**

b. A review of your past performance records shows that you were previously counseled for building and equipment control violations on Friday, 3 October 1998 and again on Tuesday, 11 November 1998. Further, you were issued a letter of reprimand on Monday, 11 August 1998 for leaving the main entrance door to the armory unlocked for a full day when you traveled to battalion headquarters on Friday, 8 August 1998.

**(Advise the technician of the right to review material relied on and where that material is located, if not attached. If prior disciplinary or adverse action records are relied on, copies need not be provided to the technician if they were provided in the past)**

2. A copy of the material relied upon to support this proposal is enclosed.

**(Advise technician of his/her right to reply orally or in writing, who to make reply to (normally next level supervisor or management official, time limits involved, and how to request an extension of time.)**

3. You have a right to reply to this notification, either orally or in writing, to the deciding official, COL John Smith, **(include address and telephone number)** who will decide whether or not the proposed action should be sustained. You may submit affidavits in support of your response. Your response must be submitted to arrive within twenty (20) calendar days of receipt of this notice. Consideration will be given to extend this period if you submit a request stating your reasons for requiring more time.

4. As soon as possible after your answer is received, or after expiration of the twenty (20) day limit if you do not respond, you will be given an, original decision by the person designated to receive your reply.

**(Provide right to excused absence to prepare reply.)**

5. You may be allowed four (4) hours of official time to review the material relied upon to support this proposed action, to secure affidavits, and to prepare an answer to this notice. You must arrange with your supervisor for the use of the official time.

**(Provide right to excused absence to prepare reply.)**

6. You may contact Mrs. Laura Merjil in the Directorate for Human Resources for procedural guidance at DSN 466-3412 or (916) 854-3412.

7. If your conduct is effected by alcoholism or drugs, you are encouraged to take advantage of our Employee Assistance Program. I urge you to contact the Employee Assistance Program directly at (800) 523-5668 for an immediate appointment.

Encls

(Supervisor's Signature Block)

Receipt acknowledged: \_\_\_\_\_  
(Signature) (Date)

I, (Technician's name) \_\_\_\_\_ Waive/Do Not Wave the twenty (20) day response.

**(Receipted copy of proposed adverse action is furnished to the Directorate for Human Resources.)**

**SAMPLE**

**ORIGINAL DECISION**

**(LETTERHEAD)**

**(OFFICE SYMBOL)**

**(DATE)**

MEMORANDUM FOR

SUBJECT: Original Decision - Adverse Action

**(Indicate the same general information per the notice of proposed adverse action; do not repeat the specific reason.)**

1. The proposed notice of adverse action date 18 May 1999 and received by you on 18 May 1999 informed you of a proposal to suspend you for a period of four (4) calendar days (40 hours) from your technician position as Unit Administrator, GS-0303-09, Company A, 123 Infantry Bn, End of the Road, Los Angeles, CA.

**(State your consideration of the technician's oral and/or written reply, to include representation, if applicable; consider all reasons, to include affidavits and supporting documents. Indicate your findings by sustaining either all or part of the reasons stated in the notice of proposed adverse action. If all reasons are not sustained, then separate explanations must be made for those reasons sustained and for those dismissed)**

2. I have given full consideration to your oral reply presented to me in the presence of your representative on 20 May 1999 and to your written reply of 27 May 1999. In reviewing your written answer and oral reply against the reasons stated in the 18 May 1999 notice of proposed adverse action, I find that the reasons for the proposed action are fully supported by the evidence presented; therefore, it is my decision to sustain all the reasons contained in the notice of proposed adverse action.

(or)

The proposed adverse action indicated you could respond orally, in writing or both. You elected not to respond and the allowable time for response has passed. I have given full and careful consideration to all the information available to me and I find that the reasons for the proposed action are fully supported by the evidence presented; therefore, it is my decision to sustain all the reasons contained in the notice of proposed adverse action.

**(State what action was decided upon, to include the effective dates.)**

3. Based upon the facts stated above, I have determined that the evidence presented warrants your suspension; therefore, it is my decision that you be suspended for a period of four calendar days, effective 23 June 1999 through 26 June 1999.

**(Provide the name and telephone number for the Directorate for Human Resources procedural assistance. Advise the technician that he has a choice of an appellate review by The Adjutant General or an administrative hearing by a qualified hearing examiner, but not both.)**

4. You have the right to appeal this action to The Adjutant General. The right of appeal extends no further than The Adjutant General. Your appeal rights consist of either an appellate review by the Adjutant General or an administrative hearing, but not both. You may contact Mrs. Laura Merjil, Directorate for Human Resources, for procedural assistance in filing an appeal. You may contact Mrs. Merjil at DSN 466-3412 or (916) 854-3212.

5. An appeal to The Adjutant General must be in writing and must provide a basis for the appeal. As a minimum, an appeal must include the appellant's name, organization, date the original decision was received, the type of appeal being requested, and the name/source of representation, if any. The following information describes both types of appeals:

a. An appellate review by The Adjutant General involves an overall review of the official adverse action file along with any additional information you may wish to provide. An appellate review may include, upon The Adjutant General approval, a discussion between The Adjutant General and the appellate, to include appellant's representative and a Directorate for Human Resources staff member. Upon completion of review, The Adjutant General will then issue his final appellate decision.

b. An administrative hearing gives you the opportunity to present your case to a qualified school trained National Guard Hearing Examiner from another state. The hearing examiner gather all available facts through an on-site hearing, to include exhibits, witnesses as appropriate/applicable, management and appellate representation and a verbatim transcript of the actual hearing. The hearing examiner will render his report of findings and recommendations within 45 days to The Adjutant General who will then issue his final appellate decision.

**(State what action was decided upon, to include the effective dates.)**



6. Your request for an appellate review or an administrative hearing must be received by The Adjutant General not later than 20 calendar days after the date you receive this original decision. You may request an extension of this 20 day deadline by providing your reasons to the Directorate for Human Resources for The Adjutant General's review who will either grant or deny your request. An appeal or a request for additional time must be in writing and addressed to the Office of The Adjutant General, California National Guard, ATTN: CAJS-HR, 9800 Goethe Road, P.O. Box 269101, Sacramento, CA 95826-9101.

7. An appellate decision by The Adjutant General will either sustain the original decision of adverse action; reduce the severity of adverse action, or dismiss the adverse action in its entirety. This original decision has been cleared through the Directorate for Human Resources.

8. If your conduct is affected by alcoholism or drugs, you are encouraged to contact directly our Employee Assistance Program at (800) 523-5668 for an immediate appointment.

**(Deciding Official's Signature Block)**

Receipt Acknowledge: \_\_\_\_\_  
(Signature) (Date)

I, **(Technician's name)** \_\_\_\_\_ Waive/Do Not Waive the appellate review or administrative hearing.

**(A receipted copy of original decision is furnished to the Directorate for Human Resources)**

**SAMPLE**

**ADVERSE ACTION APPEAL**

SUBJECT: Appeal of Disciplinary/Adverse Action

(Date)

Office of The Adjutant General  
California National Guard  
ATTN: CAJS-HR-ES  
9800 Goethe Road, P.O. Box 269101  
Sacramento, CA 95826-9101

1. In accordance with TPR 752, dated 23 February 1998, I respectfully request that I be granted an appellate review (or an administrative hearing, but not both) in regard to the adverse action (suspension of four calendar days) which has been initiated against me. The following information is furnished for your consideration:
  - a. Name: Simon N. Simon, Unit Administrator, GS-0303-09
  - b. Organization: Company A, 123<sup>rd</sup> Infantry Bn, Los Angeles, CA
  - c. Date of original decision receipt: 2 June 1998
  - d. I will be represented by an attorney/or the labor organization representing bargaining unit members.
2. My request for an appeal of the adverse action is based primarily on the same reasons given in my written reply of 27 May 1998; i.e., the penalty being imposed is disproportionate to the charges; the fact that similar violations have occurred with far less disciplinary measures taken against other individuals; and the severe financial impact this suspension will have on my family.

**(Technician's Signature Block)**

CF: Deciding Official

MEMORANDUM FOR Directorate for Human Resources, ATTN: CAJS-HR-ES

SUBJECT: Proposed Adverse Action – Selection of Appropriate Penalty(ies)

Name of Technician \_\_\_\_\_.

1. The nature and selection of an appropriate penalty is the result from a responsible balancing of relevant factors. Some may be in the technician's favor while others may not. I have reviewed the factors listed below in determining the appropriateness of the penalty.
2. The technician's job level and type of employment, including supervisory role, and position of trust such as those involved in handling funds, contacts with the public, and prominence of the position.
3. The technician's past disciplinary or adverse action record and the time period between these past offenses.
4. The technician's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. The effect of the offense upon the technician's ability to perform at an acceptable level and its effect upon the supervisor's confidence in the technician's ability to perform assigned duties.
6. Consistency of the penalty with those imposed on other technicians for the same or similar offenses.
7. The clarity with which the technician has been made aware of the rule(s) violated in committing the offense, or has been warned about the conduct in question.
8. Potential for technician's rehabilitation.
9. Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matters.

MEMORANDUM FOR Directorate for Human Resources, ATTN: CAJS-HR-ES

SUBJECT: Proposed Adverse Action – Selection of Appropriate Penalty(ies) (CONTINUED)

10. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the technician or others.

---

(SUPERVISOR'S SIGNATURE)

---

(DATE)

## CHAPTER 8

### UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

#### PUBLIC LAW 103-353

##### 8-1. INTRODUCTION:

On 13 October 1994, President Clinton signed into law the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The new law made many changes that affect technicians performing uniformed service. The implementation of USERRA made major improvements in the protection of civilian job rights and benefits.

##### 8-2. BASIC ENTITLEMENT:

Any Federal employee, permanent or indefinite, who performs duty with a uniformed service (including active duty, active duty for training, or inactive duty for training), whether voluntary or involuntary, is entitled to be restored to the position he or she would have attained had the technician not entered the uniformed service, provided the technician:

- a. Gave the agency advance notice of departure except where prevented by military circumstances; and
- b. Was released from uniformed service under honorable conditions; and
- c. Served no more than a cumulative total of 5 years; and
- d. Applies for restoration within the appropriate time limits.

While on duty with the uniformed services, the agency carries the technician on leave without pay (LWOP) unless the technician requests separation. A separation under these circumstances does not affect restoration rights. Uniformed service as defined in 38 United States Code (U.S.C.) 4303(16) defines Armed Forces as the Army and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; and any other category of persons designated by the President in time of war or emergency (Title 38 U.S.C., Chapter 43; Title 5 Code of Federal Regulations (CFR) Part 353).

### **8-3. TIME LIMITS:**

Technicians who serve in the uniformed services:

a. Less than 31 days (or who leave to take a fitness exam for service) must report back to work at the beginning of the next regularly scheduled work day following their completion of service and expiration of 8 hours after a time for safe transportation back to the employee's residence.

b. More than 30 days but less than 181 days must apply for reemployment no later than 14 days after completion of service.

c. More than 180 days have 80 days after completion of service to apply for restoration.

Technicians who fail to meet these time limits are subject to disciplinary action. Agencies must reemploy as soon as practicable, but no later than 30 days after receiving the request to restore. Agencies have the right to ask for documentation showing the length and character of the technician's service and the timeliness of the application.

### **8-4. SERVICE CREDIT:**

Upon restoration, technicians are generally treated as though they had never left. This means that time spent in the uniformed services counts for seniority, within-grade increases, completion of probation, career tenure, retirement, and leave rate accrual. (Technicians do not earn sick or annual leave while off the rolls or in a non-pay status.)

### **8-5. RETIREMENT CREDIT:**

To receive civil service retirement credit for military service, a deposit to the retirement fund is required to cover the period of military service. Only active, honorable military service is creditable for retirement purposes. If the employee is under the Civil Service Retirement System (CSRS), a deposit of 7 percent of military pay basic pay (plus interest under certain conditions) is required. The deposit is 3 percent if the employee is under the Federal Employees Retirement System (FERS). However, these amounts may be different if:

- a. The technician's creditable civilian service was interrupted by military duty; and
- b. Reemployment occurred pursuant to 38 U.S.C. Chapter 43 on or after 1 August 1990.

In such a situation, the contributions is either the above-prescribed amount or the amount of civilian retirement deductions which would have been withheld had the individual not entered uniformed service if this amount is less than the normal deposit for military service.

#### **8-6. NATIONAL GUARD SERVICE CREDIT:**

Prior to the enactment of Public Law 103-353 in October 1994, National Guard service was creditable military service for civil service retirement only when the National Guard was activated in the service of the United States. The 1994 law made full-time National Guard service (as defined by 10 U.S.C. 101(d) which interrupted creditable Federal civilian employment under CSRS or FERS and was followed by restoration under Chapter 43 of Title 38, U.S.C. on or after 1 August 1990, creditable as military service.

#### **8-7. TECHNICIAN PROTECTIONS:**

Technicians are not subject to a reduction in force while they are serving in the uniformed services. If they served for more than 180 days, they may not be separated, except for cause, for 1 year after their return. If they served for more than 30 but less than 181 days, they may not be separated, except for cause, for 6 months. (Reduction in force is not considered "for cause" under OPM's regulations.) The law expressly prohibits any kind of discrimination or act of reprisal against an applicant or technician because of his or her application, membership or service in the uniformed services.

#### **8-8. PAID MILITARY LEAVE:**

Each fiscal year, technicians under permanent appointment are entitled to 15 calendar days of military leave, with pay, to perform active duty. An employee on LWOP-US may be granted their 15 days military leave without returning to duty as a technician. Technicians may carry over 15 days of unused military leave into a new fiscal year. Therefore, potentially they may have a total of 30 days to use in any one fiscal year.

#### **8-9. LIFE AND HEALTH INSURANCE:**

a. Federal Employees Group Life Insurance (FEGLI): The life insurance of a technician who takes leave without pay to enter the uniformed services continues for up to 12 months. If the technician separates, life insurance continues for up to 12 months, or 80 days after uniformed service ends, whichever is sooner. There is no cost to the technician for this extension of coverage. (See Chapter 5 for more details.)

b. Federal Employees Health Benefits (FEHB): Technicians who enter the uniformed services may elect to have their health insurance coverage continue for up to 12 months, and the technician continues to pay his or her share of the premium. Technicians who remain in the uniformed services beyond 12 months may continue their health insurance for an additional 6 months by paying 102 percent of the premium, i.e., the technician's share, the Government's share, and a 2 percent administrative fee. (This applies if the technician elects LWOP-US or Separation-US.) If the technician elects to continue health benefits while on military duty, he or she may make up the premiums on return to duty or make FEHB payments each month to Defense Finance and Accounting Service-Denver. (See Chapter 5 for more details.)

#### **8-10. THRIFT SAVINGS PLAN (TSP):**

Technicians who perform uniformed service may make up any contributions to the Thrift Savings Plan they missed because of such service. The amount of these contributions will be determined by using the TSP Election Form (TSP-1) that is in effect immediately before entry into military service. All make up technician contributions deducted from pay in a current calendar year are subject to the IRS annual limit in effect for the year to which the make up contributions are attributable. The technician can stop makeup contributions, however, the decision to stop is irrevocable. If covered by FERS, retroactive agency matching contributions are received as he/she makes up the technician contributions. The technician will receive retroactive agency automatic 1 percent contributions for the entire period missed as a result of military service whether or not the technician makes up the employee contributions. (See Chapter 5 for more details.)

#### **8-11. REQUEST FOR PERSONNEL ACTION (SF-52):**

Prior to entrance on active duty military service, the technician must submit a Request for Personnel Action, SF-52, along with a copy of orders and the USERRA Election Worksheet (Enclosure 8-1 at the end of the chapter). If the technician plans to use compensatory leave, annual leave or military leave, he/she must indicate the dates on the reverse side of the SF-52.



## USERRA ELECTION WORKSHEET

Please make your elections by placing your initials in the spaces provided. This worksheet must be attached to your SF 52 (Request for Personnel Action).

NAME \_\_\_\_\_ SSN \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

POSITION TITLE \_\_\_\_\_

### a. Position Status:

☐ I elect to terminate from my technician position (Separation-US).

☐ I elect Leave-Without-Pay (LWOP-US).

### b. Health Insurance:

☐ I elect to continue my health benefits, up to 18 months, while on military duty. I understand that for the first 12 months I will pay my share of the premium. The next 6 months I will pay a rate of 102 percent (my share, the government share and a 2 percent handling charge). I understand that I am responsible for monthly payments to my payroll office or the amount due will be collected after my return to technician status.

☐ I elect to terminate my health benefits and I have provided the Directorate for Human Resources with this statement on my SF 52 (Request for Personnel Action).

### c. Thrift Savings Plan Loan:

☐ I do not have a Thrift Savings Plan loan.

☐ I have a Thrift Savings Plan loan. I request a TSP-41 (Notification to TSP of Non-pay Status) be prepared by the Directorate for Human Resources to document non-pay status beginning date and ending date.

**d. Military Leave:**

☐ I have elected Separation-US. I understand that I am required to use my military leave prior to my separation. I have annotated on my SF 52 (Request for Personnel Action), the number of days of military leave I have to use. I understand that at the effective date of my separation will be adjusted so I may use the remainder of my military leave.

☐ I have elected LWOP-US. I understand that I may use 15 days of military leave each fiscal year. I will provide an SF 52 (Request for Personnel Action) and an SF 71 (Application for Leave) to my supervisor with the dates I wish to be returned to duty and use my military leave.

**e. Annual Leave:**

☐ I have elected Separation-US. I understand I will receive a lump-sum payment for my annual leave.

☐ I have elected LWOP-US. I understand that I can request a lump-sum payment for my annual leave by providing a written request to the Directorate for Human Resources.

**f. Previous absences from technician position for active duty:**

☐ I understand that I can serve no more than a cumulative total of 5 years to be entitled to restoration. After 5 years, I no longer have reemployment rights. I have never requested an absence from my technician position to perform title 10 or title 32 active duty military service.

☐ I have performed active military duty and requested an absence from my technician position. I served from \_\_\_\_\_ to \_\_\_\_\_ for a total of \_\_\_\_\_ (years/months).

If you have any questions, contact the Directorate for Human Resources at DSN 466-3411 or (916) 854-3411.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## CHAPTER 9

### TRAINING

#### 9-1. TRAINING AND DEVELOPMENT:

This established policy and guidance is for the training and career development of Army and Air National Guard military and competitive technicians, which includes areas of self-development, orientation, on-the-job training, in-house or internal training, new equipment training, special training courses, management development, and personnel management.

a. Payment for the training of technicians will not be made after-the-fact. All training must be approved by the Directorate of Human Resources prior to class attendance.

b. Supervisors, Commanders and other management officials may direct a technician to attend a course of training necessary for the performance of the technician's position or necessary to the unit's mission.

#### 9-2. RESPONSIBILITIES:

a. *The Directorate for Human Resources Responsibilities:*

(1) Representing the Adjutant General on all assigned technician training matters.

(2) Processing requests for training and document verification of completed training. The Directorate for Human Resources will forward the applications to the appropriate agency, obtain school quotas, and confirm course availability and acceptance.

(3) Developing fiscal year training plan and formulating and submitting input for California Army and Air National Guard training budgets based on training requirements identified by the units.

(4) Advising commanders, supervisors and managers on courses, resources, and procedures available to accomplish training. The Directorate for Human Resources will attempt to contract for training at a central work location when the need exists.

(5) Providing technician and military training histories on managers and supervisors at the request of the commander or section supervisor.

*b. Commander(s) and Program Manager(s) Responsibilities:*

(1) Submit fiscal year forecast of unit training needs to the Directorate for Human Resources by 1 March (see Enclosure 9-1 at the end of the chapter). The forecast will include the type of training desired, number of quotas desired, and in what quarter of the next fiscal year it is preferred. Specific dates of known classes are desirable.

(2) Encourage training programs to improve technician and military attributes and skills. The Employee Development Specialist in the Directorate for Human Resources has training course catalogs on hand for reference.

*c. Supervisor(s) Responsibilities:*

(1) Establish training plans, when needed, for technicians (see Enclosure 9-4 at the end of the chapter). Technician Performance Appraisal Report should be used to determine training needs.

(2) Determine if training can be received on-the-job. When on-the-job training is not possible, request training which is most economical, effective, and in support of overall mission priorities. Normally, first consideration will be given to military service schools, then government interagency courses (OPM, GSA, etc.) and finally non-government sources. The Directorate for Human Resources will assist in this determination at the unit's request.

(3) Evaluate effectiveness of the technician's training on Section H - Evaluation, Copy 9 of DD Form 1556 (See Enclosure 9-3 at the end of the chapter). Promptly return the evaluation to the technician as it must be submitted to the Directorate for Human Resources with the course completion verification.

*d. Technician(s) Responsibilities:*

(1) Submit all requests for training on DD Form 1556 (Request, Authorization, Agreement and Certificate of Training ) (see Enclosure 9-2 at the end of the chapter for instructions). Requests for Training (DD Form 1556) must be submitted as soon as possible. Requests for Office of Personnel Management (OPM) courses, must reach the Directorate for Human Resources office at least one month prior to the scheduled class. Requests for Professional Education Center (PEC) courses must be submitted to the Directorate for Human Resources 90 days in advance. Efforts will be made to process requests submitted late, but quotas cannot be guaranteed.

(2) *Complete training as directed by supervisor.*

(3) Submit to the Directorate for Human Resources verification of training and course evaluation after completion of training. Upon completion of all courses, technicians must provide a copy of the Certificate of Training which is filed in the technician's training file maintained by the Employee Development Specialist. When training certificates are not provided by the training agency, technicians will obtain and forward to the Directorate for Human Resources similar completion verifications. Failure to complete a government financed course without sufficient justification may result in payment of the course by the technician and appropriate adverse action.

### **9-3. IDENTIFICATION OF TRAINING NEEDS:**

a. Managers and supervisors are responsible for identifying technician training needs based on observed work performance, project mission requirements and other factors that will impact on technician and unit effectiveness.

b. The Technician Training Plan should reflect immediate and future needs and be identified on the individual Technician Training Plan (See Enclosure 9-4 at the end of the chapter). Supervisors are encourage to discuss desired training direction with their technicians.

c. Managers and supervisors should consolidate training needs to simplify forecasting and ease tracking of completed training.

### **9-4. TRAINING PROGRAMS:**

a. Service Schools. A service school includes training that is conducted on a scheduled basis by the active military services at established schools on posts, camps, and bases. Usually, course attendance at a service school provides the graduate with and MOS, SSI, or AFSC. These courses are normally approved by the Directorate for Operations and Training and technicians attend in an annual training status.

b. Course of Instruction. Courses of instruction include all training programs conducted by government agencies or activities other than military service (e.g. OPM) and non-governmental training programs. The Directorate for Human Resources will announce OPM courses appropriate for technician attendance. Supervisors aware of other agency courses deemed necessary for technicians, may request quotas through the Directorate for Human Resources. Requests must include sufficient justification, such as, cost savings, locations, or sole sources of specialized/technical skills.

\_\_\_\_\_  
 (Section) TRAINING PLAN

FY \_\_\_\_\_

TYPES OF TRAINING	NUMBER OF QUOTAS	FY QTR
-------------------	------------------	--------

Examples:

Basic Supervision Course	3	2nd/3rd Qtr
Computer Skills Training	5	Any Qtr

EMPLOYEE	COURSE TITLE/SOURCE	DATES
----------	---------------------	-------

Examples:

Smith, Jane P.	Maintenance Manager - PEC	10-14 Oct 98
Walker, John D.	Introduction to Personnel Mgmt	28-29 Sep 98

## Enclosure 9-2-1

Circle the appropriate copy designator.

Copy 1- AGENCY (TRAINING/PERSONNEL FOLDER)  
Copy 6- AGENCY (FINANCE/DISBURSING, TUITION)Copy 7- AGENCY (FINANCE/DISBURSING, BOOKS, ETC)  
Copy 8- AGENCY (EMPLOYEE)

Copy 10- ACTIVITY (OPTIONAL USE)

REQUEST, AUTHORIZATION, AGREEMENT, CERTIFICATION OF TRAINING AND REIMBURSEMENT									
A. Agency code and subelement, and submitting office number (xx-xx-xxxx)		B. Standard document number (Org identifier/Doc./Type code/Serial Number)		C. Request Status or Process Code (X one)		D. Amendment No.			
				<input type="checkbox"/> (1) Initial <input type="checkbox"/> (2) Resubmission <input type="checkbox"/> (3) Correction <input type="checkbox"/> (4) Cancellation					
Section A - TRAINEE / APPLICANT INFORMATION									
1. Name (Last, First, Middle Initial) DOEMAN, JOHN E.		2. 1st 5 letters of last name DOEMA		3. Social Security Number 000-00-0000		4. Ed. level 16		5. Continuous Federal Svc a. Years 13 b. Months 7	
6. Home Address (Street, City, State and ZIP Code) (optional) 111 Main Street All American City, CA 95800		7. Phone Numbers (Include area code) a. Home (916) 555-1111 b. Office		8. Position Title		9. Position Level (X one) a. Executive b. Manager		10. Pay Plan / Series / Grade / Step (Rank/MOS/AFSC/Naval Designator) GS-0301-11/10	
11. Organization Name Office of the Adjutant General		(1) Commercial (916) 555-1112 (2) Autocon 888-1112		13. Organization UIC W8AYAA		14. Type of Appointment c. Supervisory d. Non-Supervisory		15. No. Prior non-government training days	
12. Organization Mailing Address (Include ZIP) 9800 Goethe Road - P.O. Box 269101 Sacramento, CA 95826-9101		10. Are you handicapped or disabled? (X one) Yes No <input checked="" type="checkbox"/>		16. Other (Specify)					
Section B - TRAINING COURSE DATA									
17. Course Title Introduction to Human Resources Management for Supervisors									
18. Training Objectives (Benefits to be derived by the Government) I will learn human resources terms and issues surrounding the hiring, retention and separation processes; staffing, classification, pay administration, employee labor relations, equal employment opportunity and training.									
19. Recommended Training Source, School or Facility a. Name Graduate School, USDA b. Mailing address (Include ZIP) 120 Howard Street, Suite 200 San Francisco, CA 94105-1615									
20. Course Codes a. Purpose i. Security Clearance S k. Training Program 1 b. Type 2 g. Allocation Status l. Reason for Selection c. Source 3 h. Priority 1 23. Training Period (YYMMDD) a. Duty 16 a. SAID d. Special Interest i. Training Level 3 a. Start 000123 b. Non-duty b. Catalog / Course No. e. Training Vendor j. Method of Training 8 b. Complete 000125 c. TOTAL 16 c. Offering / TLN									
c. Location of training site (If other than 19b) Western Training Center, SF, CA									
Section C - COST INFORMATION (Costs incurred and billed are not to exceed amount in item 30.)									
24. If training does not involve expenditure of funds other than salary, pay or compensation, skip the remainder of questions in Section C and X this box									
25. Direct Costs		26. Indirect Costs (For information only)		27. Accounting Classification					
a. Tuition cost \$145.00		a. Travel cost							
b. Books, material, other costs		b. Per diem/other costs							
c. Total direct costs \$145.00		c. Total indirect costs							
d. Funding source		28. Labor Costs		29. Signature of Fiscal Officer (Follow local procedure)				30. Total of Direct & Indirect Costs \$145.00	
31. Job Order No.									
Section D - APPROVAL / CONCURRENCE / CERTIFICATION									
32. Supervisor: I certify training is job related and nominee meets prerequisites. (If not, attach waiver.)									
a. Typed Name (Last, First, Middle Initial) PUBLIC, JOHN Q		b. Phone number (Include area code) (916) 555-1111		33. Training Officer: I certify this training meets regulatory requirements.		a. Typed Name (Last, First, Middle Initial) MOREY, JANE P. LTC		b. Phone number (Include area code) (916) 854-3413	
c. Signature & Title Director, Personnel Ofc		d. Date 13DEC99		c. Signature & Title Employee Dev Spec		d. Date			
34. Authorizing Official									
a. Action (X one)		(1) Approved		(2) Disapproved		35. Course Acceptance (To be completed by school official)			
b. Typed Name (Last, First, Middle Initial) STUARD, JEFFREY D. COL		c. Phone number (Include area code) (916) 854-3401		a. Accepted		c. School Official Signature		d. Date	
d. Signature & Title Director, Human Resources		a. Date		b. Not Accepted		36. Course Completion (To be completed by school official)			
37. Billing Instructions (Identify discount terms) Furnish original invoice and 3 copies to:		%		days		a. If course was not completed, X this box, leave this section blank, and return this form with an explanation memo.		b. Actual Completion Date (YYMMDD)	
Office of the Adjutant General ATTN: CAJS-HR-EDS (LTC Morey), Box 37 9800 Goethe Road - P.O. Box 269101 Sacramento, CA 95826-9101						d. Signature & Title		e. Date	
38. Certifying Government Official									
a. I certify that this account is correct and proper for payment in the amount of: \$									
b. Signature						c. Date Signed			
d. DSSN Number				e. Check Number		f. Voucher Number			
TRAINING FACILITY: Invoice should be sent to office indicated in item 37. Please refer to standard document number given in item 8 at top of page to assure prompt payment.									

DD Form 1556, MAR 87 (EG)

Previous edition may be used until exhausted.

DoD exception to SF 182  
approved by GSA/IRMS 11-86.(DISA IR) (DTS, Inc.) PerFORM  
PRG V2.00

**COMPLETION INSTRUCTIONS  
for**

**DD FORM 1556**

**Request, Authorization, Agreement, Certification of Training and Reimbursement**

DD Form 1556 will be used FOR ALL TRAINING and forwarded for approval prior to requested training date(s). You will be notified if requested training is approved or disapproved. Please be thorough and correct when completing this form. Questions can be directed to LTC Morey at CAGNET 63413, Comml (916) 854-3413, or AUTOVON 466-3413; Email: Jane.Morey@ca-arng.ngb.army.mil.

BLOCK 1	Employee's full name - Last, First, MI
BLOCK 3	Enter employee's SSN
BLOCK 5	Enter years and months of continuous Federal Government service
BLOCK 6	Employee's complete home address (address, city, state, zip code)
BLOCK 7a	Home telephone number
BLOCK 7b(1)	Commercial Office Telephone Number
BLOCK 7b(2)	DSN Office Telephone Number
BLOCK 8	Identify employee's current duty position title
BLOCK 9	Self-Explanatory
BLOCK 10	Enter employee's current Pay Plan/Series/Grade/Step
BLOCK 11	Employee's Organization Name
BLOCK 12	Organization Mailing Address
BLOCK 13	Enter organization's six digit UIC
BLOCK 17	Complete Course Title , Course number, Phase, Seminar number, etc
BLOCK 18	Objectives of the course (Briefly describe reason for course)
BLOCK 19a	Name of the organization providing the training
BLOCK 19b	Mailing address of organization providing the training (if known)
BLOCK 19c	Enter if location is difference from Block 19a and 19b



**Completion Instructions for  
DD FORM 1556  
Request, Authorization, Agreement, Certification of Training and Reimbursement**

BLOCK 20	Only need to complete Blocks b, c, f, h, i, j, and l	
BLOCK 20b	Type 1 - Executive & management 2 - Supervisory 3 - Legal, medical, scientific, engineer 4 - Administration & analysis 5 - Specialty & technical 6 - Clerical 7 - Trade or craft 8 - Orientation 9 - Adult basic education	
BLOCK 20c	Source A - US Army D - Other DoD F - US Air Force M - US Marine Corps N - US Navy S - Defense Logistics Agcy 2 - Govt Interagency 3 - Non Govt Interagency 4 - Non Govt Off shelf 5 - State or Local Govt	
BLOCK 20f	Security Clearance of Employee N - None C - Confidential S - Secret T - Top Secret	
BLOCK 20h	Priority 1 - Job requirement to meet mission related needs 2 - Job requirement to improve skills 3 - Desire	
BLOCK 20i	Training Level 1 - Elementary 2 - High School 3 - Vocational/Technical/Secretarial Business/Commercial/Admin 4 - College, Undergraduate 5 - College, Graduate 6 - College, Post Graduate	
BLOCK 20j	Method of Training 1 - OJT (Formal) 2 - Rotation of Work Assignment 3 - Seminar 4 - Conference/meeting/symposium 5 - Correspondence 6 - Directed Study 7 - Classroom (Resident) 8 - Classroom (On site) 9 - Test Equivalency	

**Completion Instructions for  
DD FORM 1556  
Request, Authorization, Agreement, Certification of Training and Reimbursement**

BLOCK 21a-c	Self-Explanatory
BLOCK 23a-b	Training Period - DO NOT INCLUDE TRAVEL TIME. Note date  Sequence YYMMDD
BLOCK 25a	Tuition Cost, if any (Cost of course charged by vendor)
BLOCK 32a-d	Employee's Supervisor's information and signature
BLOCK 33a-d	MOREY, JANE P. LTC (916) 854-3413 Employee Development Specialist
BLOCK 34a-d	STUARD, JEFFREY D. COL (916) 854-3401 Director, Human Resources
BLOCK 37	Office of the Adjutant General ATTN: CAJS-HR-EDS (LTC Morey) Box 37 9800 Goethe Road - P.O. Box 269101 Sacramento, CA 95826-9101

Section E - TERMINATION AND EVALUATION DATA (To be completed by trainee)				
39. Was course completed? (X one)		40. Actual Course dates (YYMMDD)		42. Academic grade/score
a. Yes	(If not, return form with a memo explaining circumstances)	a. Commenced	b. Completed	41. Actual course hours
b. No				
43. Were all sessions attended? (X one)				
a. Yes				
b. No	(Explain reason)			
44. What were your objectives in taking this course? Were they met?				
<b>AREAS OF EVALUATION</b> <small>X appropriate column to indicate your evaluation of items 45 through 56. Do not attempt to split a rating.</small>				
				<b>RATING</b> <div style="display: flex; justify-content: space-around; font-size: small;"> <span>A</span> <span>B</span> <span>C</span> </div>
45. Stated objective accomplished	A - Yes	B - Partially	C - No	
46. Coverage of subject matter	A - Excellent	B - Sufficient	C - Poor	
47. Organization of subject matter	A - Well organized	B - Adequate	C - Poorly organized	
48. Suitability of instructional materials	A - Excellent	B - Adequate	C - Poor	
49. Level of difficulty	A - Too advanced	B - Appropriate	C - Too elementary	
50. Length of course	A - Too long	B - Appropriate	C - Too short	
51. Amount of outside or evening work	A - Too much	B - Appropriate	C - Insufficient	
52. Effectiveness of instructors	A - Excellent	B - Good	C - Poor	
53. Applicability of subject matter to the job	A - Significant	B - Adequate	C - Insufficient	
54. Facilities	A - Excellent	B - Good	C - Poor	
55. Recommendation to colleagues	A - Highly recommend	B - Recommend	C - Not recommended	
56. Meet career development plans	A - Yes	B - No	C - Not applicable	
57. Comments on course strength/weaknesses				
Section F - SUPERVISORY COMMENTS (To be completed by trainee's immediate supervisor)				
58. Have you discussed this course and its application to the job with this employee? (X one)				<div style="display: flex; justify-content: space-around; font-size: small;"> <span>a. Yes</span> <span>b. No</span> </div>
59. What are your objectives in having employee attend course? (Complete at time of nomination)				
60. Were the objectives of the training achieved?				
61. Additional comments				
62. Supervisor		63. Trainee		
a. Signature	b. Date	a. Signature	b. Date	
<b>PRIVACY ACT STATEMENT</b> <small><b>AUTHORITY:</b> The Government Employees Training Act of 1958 (USC, Title 5, 4101 to 4118) EO 9397, November 1943 (SSN).</small>  <small><b>PURPOSE AND USE:</b> Used in the administration of the Federal Training Program. The purpose of this form is to document the nomination of trainees and completion of training; it also serves as the principal repository of personal, fiscal and administrative information about trainees and the programs in which they participate. The form becomes a part of the permanent employment record of participants in training programs and is included in the Government's Central Personnel Data File.</small>  <small><b>DISCLOSURE:</b> Personal information provided on this form is given on a voluntary basis. Failure to provide this information, however, may result in ineligibility for participation in training programs.</small>				

**TECHNICIAN TRAINING PLAN**  
**FY \_\_\_\_\_**

TECHNICIAN:

JOB TITLE:

GRADE/SERIES/STEP:

DIRECTORATE/SECTION:

SUPERVISOR:

---

General comments about technician's training needs:

---

Actual Training Requirements:

- (1).
- (2).
- (3).
- (4).

---

Primary Purpose:

- 1. Enhance performance, position reassignment, etc.
- 2. Equipment/mission change.
- 3. Supervisory/management.
- 4. Self development.

## CHAPTER 10

### POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES

#### 10-1. CODE OF FEDERAL REGULATIONS:

In accordance with Title 5, Code of Federal Regulations Chapter 734, Hatch Act Reform Amendments of 1993, political permitted activities and political prohibited activities are as follows:

#### 10-2. SUBPART B - PERMITTED ACTIVITIES:

a. s734.201 Exclusion from Coverage.

(1) s734.201 PERMITTED ACTIVITIES: Employees may take an active part in political activities, including political management and political campaigns, to the extent not expressly prohibited by law, and this part.

b. An employee may:

(1) Express his or her opinion privately and publicly on political subjects.

(2) Be politically active in connection with a question, which is not specifically identified, with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.

(3) Participate in the nonpartisan activities of civic, community, social, labor, or professional organization, or of a similar organization of the United States Government or the District of Columbia Government in which he or she is employed.

Example 1: An employee may participate, including holding office, in any nonpartisan group. Such participation may include fundraising as long as the fundraising is not in any way connected with any partisan political issue, group, or candidate, and as long as the fundraising complies with part 2635 of this title as well as any other directives that may apply, e.g. the Federal Property Management Regulations in 41 CFR Chapter 101.

Example 2: An employee, individually or collectively with other employees, may petition or provide information to Congress as provided in 5 U.S.C. 7211.

c. s734.204 Participation in Political Organizations:

An employee may:

- (1) Be a member of a political party or other political group and participate in its activities.
- (2) Serve as an officer of a political party or other political group, a member of National, State, or local committee of a political party, an officer or member of a committee of a political group, or be a candidate for any of these positions.
- (3) Attend and participate fully in the business of nominating caucuses of political parties.
- (4) Organize or reorganize a political party organization or political group; and
- (5) Serve as a delegate, alternate or proxy to political gathering.

d. s734.205 Participation in Political Campaigns:

Subject to the prohibitions in s734.306, an employee may:

- (1) Display pictures, signs, stickers, badges, or buttons associated with political parties, candidates for partisan political groups, as long as these items are displayed in accordance with the provisions of s734.306 of subpart C of this part;
- (2) Initiate or circulate a nominating petition for a candidate for partisan political office;
- (3) Canvass for votes in support of or in opposition to a partisan political candidate for political party office;
- (4) Endorse or oppose a partisan political candidate or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material;
- (5) Address a convention, caucus, rally, or similar gathering of a political party or political group in support of or in opposition to a partisan political candidate or a candidate for political party office, and;
- (6) Take an active part in managing the political campaign of a partisan political candidate or a candidate for political party office:

Example 1: An employee may appear in a television or radio broadcast which endorses a partisan political candidate and is sponsored by the candidate's campaign committee, a political party, or a partisan political office.

Example 2: An employee may manage the political campaign of a candidate for public office including supervising paid and unpaid campaign workers.

Example 3: While not on duty, a Federal employee may distribute campaign leaflets by hand to homes or parked cars even though the leaflet may contain information concerning where to send contributions among other factual material about a partisan political candidate. However, should a member of the public stop the employee and request further information about contributions about condition, the employee should refer that request to another campaign worker that is not a federal employee.

Example 4: an employee may place in his or her front yard a sign or banner supporting a partisan political candidate.

e. s734.206 Participation in Elections:

An employee may:

- (1) Register and vote in any election.
- (2) Act as recorder, watcher, challenger, or similar officer at polling places.
- (3) Serve as an election judge or clerk, or in a similar position; and
- (4) Drive voters to polling places for a partisan political candidate, partisan political group, or political party.

Example: An employee may drive voters to polling places in a privately owned vehicle, but not in a Government-owned or leased vehicle.

f. s734.207 Candidacy For Public Office:

An employee may:

- (1) Run as independent candidate in a partisan election covered by 5 CFR part 733; and
- (2) Run as a candidate in a nonpartisan election.

Example 1: An employee who is a candidate for public office in a nonpartisan election is not barred by the Hatch Act from soliciting, accepting, or receiving political contributions for his or her own campaign; however, such solicitation, acceptance, or receipt must comply with part 2635 of this title as well as any other directives that may apply, e.g. The Federal Property Management Regulations in CFR Chapter 101.

g. s734.208 Participating In Fundraising

(1) An employee may make a political contribution to a political party, political group, and campaign committee of a candidate for public office in a partisan and multi-channel political committee of a Federal labor or Federal employee organization.

(2) Subject to the prohibitions stated in section 734.303, an employee may:

(a) Attend a political fundraiser;

(b) Accept and receive political contributions in a partisan election described in 5 CFR part 733.

(c) Solicit, accept, or receive uncompensated volunteer services from any individual; and

(d) Solicit, accept, or receive political contributions, as long as:

(i) The person who is solicited for a political contribution belongs to the same Federal labor organization, or Federal employee organization, as the employee who solicits, accepts, or receives the contribution.

(ii) The person who is solicited for a political contribution is not a subordinate employee; and

(iii) The request is for contribution to the multicandidate political committee of the Federal labor organization or to the multicandidate political committee of a Federal employee organization in existence on October 6, 1993.

(3) Subject to the provisions of s734.306, an employee may make a financial contribution to a political action committee through a voluntary allotment made under s550.311(b) of this chapter, if the head of the employee's agency permits agency employees to make such allotments to political action committees.

(4) An employee who is covered under this subpart and is a payroll official in an agency where employees are permitted to make allotments to political action committees may process the completed direct deposit forms for voluntary allotments which have been made to such committees under section 550.311(b) of this title.



Example 1: An employee's name may appear on an invitation to a political fundraiser as a guest speaker as long as the reference in no way suggests the employee solicits or encourages contributions, as prohibited in s734.303 of this part and described in example 2 thereunder. However, the employee's official title may not appear on invitation to any political fundraiser, except that of an employee who is ordinarily addressed using a general term of address, such as "The Honorable" may use or permit the use of that term of address for such purposes.

Example 2: An employee who is not on duty may participate in a phone bank soliciting the uncompensated services of individuals. However, an employee may not make phone solicitations for political contribution even anonymously.

Example 3: An employee may serve as an officer or chairperson of a political fundraising organization or committee as long as he or she does not personally solicit, accept, or receive political contributions. For example, the employee may organize or manage fundraising activities as long as he or she does not violate the above prohibition.

Example 4: The head of a cabinet-level department may contribute one of her worn-out cowboy boots to the campaign committee of a Senatorial candidate to be auctioned raffle for benefit of the candidate's campaign.

Example 5: An employee may help organize a fundraiser including supplying names for the invitation list as long as he or she does not personally solicit, accept, or receive contributions.

Example 6: An employee on travel may engage in political activity when he or she is not on duty without taking annual leave.

Example 7: A Federal employee may solicit, accept, or receive the uncompensated volunteer services of any individual, except a subordinate employee, to work on behalf of a partisan political candidate or organization. However, such solicitation, acceptance, or receipt must comply with part 2635 of this title as well as any other directives that may apply, e.g. the Federal Property Management Regulations in 41 CFR Chapter 101. Further, Federal employees are subject to criminal anti-coercion provisions found at 18 U.S.C. 610.

Example 8: An employee who desires to make a financial contribution to a political action committee through a voluntary allotment personally may obtain blank direct deposit forms from his or her payroll office. However, he or she may not complete the form while he or she is on duty, on Federal property, or in Federally owned or leased vehicles. Moreover, he or she may not personally deliver his or her completed form, or the completed form of another employee, to the payroll office. However, the employee may mail his or her direct deposit form to his or her agency payroll office.

Example 9: Employees who are permitted to solicit, accept, or receive political contributions under the circumstances described in s734.208(b)(4) may not solicit, accept, or receive such contributions either while they are on duty, or while they are on Federal premises, or both.

### **10-3. SUBPART II - PROHIBITED ACTIVITIES:**

#### **a. s734.302 Use of Official Authority; Prohibition:**

(1) An employee may not use his or her official authority or influence for the purposes of interfering with or affecting the result of an election.

(2) Activities prohibited by paragraph (a) of this section, but are not limited to:

(a) Using his or her official title while participating in political activity;

(b) Using his or her authority to coerce any person to participate in political activity; and

(c) Soliciting, accepting, or receiving uncompensated individual volunteer services from a subordinate for any political purpose.

Example 1: An employee who signs a letter seeking uncompensated volunteer services from individuals may not identify himself or herself by using his or her official title. However, the employee may use a general form of address, such as "The Honorable".

Example 2: A non career member of the Senior Executive Service, or another employee covered by this subpart, may not ask his or her subordinate employees to provide uncompensated individual volunteer services for a political party, partisan political group, or candidate for partisan political office. Moreover, he or she may not accept or receive such services from a subordinate employee who offers to donate them.

Example 3: An employee may not require any person to contribute to a partisan political campaign in order to win a Federal contract.

#### **b. s734.303 Fundraising:**

An employee may not knowingly:

(1) Personally solicit, accept or receive a political contribution from another person, except under the circumstances specified in s734.208(b);

(2) Personally solicit political contributions in a speech or keynote address given at a fundraiser.

(3) Each agency or instrumentality of the United States of District of Columbia Government shall determine when a matter is pending political candidate as long as the group has not been specifically targeted as having matters before the employing office.

Example 1: An employee with agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate as long as the group has not been specifically targeted as having matters before the employing office.

c. s734.306 Participation in Political Activities While on Duty, in Uniform, in Any Room, or Building Occupied in the Discharge of Official Duties, or Using a Federal Vehicle:

(1) An employee may not participate in political activities subject to the provisions of subpart C of this part:

(a) While he or she is on duty.

(b) While he or she is wearing a uniform, badge, insignia, or other similar item that identifies the employing agency or instrumentality or the position of the employee.

(c) While he or she is in any room or building in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality therefore; or

(d) While in the government-owned or leased vehicle or while using a privately owned vehicle in discharge of official duties.

(2) The prohibition in paragraph (a) of this section does not apply to employees covered under subpart E of this part.

Example 1: While on leave without pay, an employee is not subject to the prohibition in s734.306(a)(1) because he or she is not on duty. However, while on leave without pay, the employee remains subject to the other prohibitions in subpart C.

Example 2: An employee who uses his or her privately owned vehicle on a recurrent basis for official business may place a partisan bumper sticker on the vehicle, as long as he or she covers the bumper sticker while the vehicle is being used for official duties.

Example 3: An employee who uses his or her privately owned vehicle on official business, must cover any partisan political bumper sticker while the vehicle is being used for official duties, if the vehicle is clearly identified as being on official business.

Example 4: A non career member of the Senior Executive Service, or any other employee covered by this subpart, who uses his or her privately owned vehicle only on occasional basis to drive to another Federal agency for a meeting, or to take a training course, is not required to cover partisan political bumper stickers on his or her vehicle.

Example 5: An employee may not place a partisan political bumper sticker on any Government owned or Government leased vehicle.

Example 6: An employee may place a bumper sticker on his or her privately owned vehicle and park his or her vehicle in a parking lot of an agency or instrumentality of the United States Government or in a non-Federal facility for which the employee receives a subsidy from his or her employing agency or instrumentality.

Example 7: When an agency or instrumentality of the United States Government leases offices in a commercial building and that building includes the headquarters of a candidate for partisan political office, an employee of that agency or instrumentality may do volunteer work, when he or she is not on duty, at the candidate's headquarters and in other areas of the building that have not been leased to the Government.

Example 8: A Government agency or instrumentality leases all of the space in a commercial building; employees may not participate in political activity in the public areas of the leased building.

Example 9: If a political event begins while an employee is on duty and continues into the time when he or she is not on duty, the employee must wait until he or she is not on duty to attend the event. Alternatively, an employee may request annual leave to attend the political event when it begins.

Example 10: Officials of labor organizations who have been given official time to perform representational duties are on duty.

Example 11: An employee may stuff envelopes for a mailing on behalf of a candidate for partisan political office while the employee is sitting in the park during his or her lunch period if he or she is not considered to be on duty during his or her lunch period.

Example 12: An employee who works at home may engage in political activities at home when he or she is not in a pay status or representing the Government in an official capacity.

Example 13: A non career member of the Senior Executive Service, or any other employee covered by this subpart, may not wear partisan political buttons or display political pictures, signs, stickers, or badges while he or she is on duty or at his or her place of work.

Example 14: An employee may not engage in political activity in the cafeteria of a Federal building, even if the cafeteria is in space leased by a contractor.

Example 15: An employee who contributes financially to a political action committee through a voluntary allotment made under s550.311(b) of this title may not complete the direct deposit forms while he or she is on duty, in a “room or building” defined in s734.101 or in a Federally owned or leased vehicle.

Example 16: An employee who contributes financially to a political action committee through a voluntary allotment may not personally deliver his or her completed direct deposit form, or the completed direct deposit form of another employee, to the payroll employees who would process or administer such forms. However, the employees may mail his or her direct deposit form to his or her agency payroll office.

f. s734.307 Campaigning for a Spouse or Family Member:

An employee covered under this subpart who is the spouse or family member of either a candidate for partisan political office, candidate for political party office, or candidate for public office in a nonpartisan election, is subject to the same prohibitions as other employees covered under this subpart.

Example 1: An employee who is married to a candidate for partisan political office may attend a fundraiser for his or her spouse, stand in the receiving line, sit at the head table, and urge others to vote for his or her spouse. However, the employee may not personally solicit, accept, or receive contributions of money or the paid or unpaid services of a business or corporation, or sell or collect money for tickets for the fundraiser.

Example 2: An employee who is the daughter of a candidate for partisan office may appear in a family office.

## CHAPTER 11

### **EQUAL EMPLOYMENT OPPORTUNITY (EEO) TECHNICIAN COMPLAINT SYSTEM**

#### **11-1. GENERAL:**

If a technician or applicant for employment believes that they are a victim of discrimination based on race, color, national origin, gender (including sexual harassment), religion, age, mental or physical handicap, or retaliation for participating in a Title VII complaint, they have the right to seek resolution through the Equal Employment Office complaint system. Elimination of discrimination is the primary function of the complaint system. It must be pointed out that complaints cannot be filed on actions that are not within the purview of the California National Guard or National Guard Bureau to remedy. These would be complaints dealing with personnel policies and employment practices imposed on the National Guard by statutes, directives of the Department of Defense, or the Departments of the Army or the Air Force, or rules of Federal agencies such as Office of Personnel Management (OPM).

#### **11-2. SEXUAL HARASSMENT:**

Sexual harassment is a sub-category of sex discrimination.

a. Sex Discrimination - The denial of one's rights to employment, training, upward mobility, etc., solely on the basis of gender.

b. Sexual harassment - A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of job, pay, career or

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(3) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

### **11-3. INDIVIDUAL DISCRIMINATION COMPLAINT (EEO) PROCESSING SYSTEM:**

a. If a technician feels that a specific act or incident of personnel action is discriminatory, they should contact an EEO Counselor or the State Equal Employment Manager (SEEM) within 45 calendar days from the date of the incident or when they become reasonably aware that an incident occurred. Also, if a representative is retained, legal or otherwise, the EEO counselor or SEEM must be notified in writing of this person's name, address, telephone number, and whether or not they are a lawyer.

b. The EEO Counselor will:

(1) Advise the complainant of their rights and responsibilities in filing a complaint.

(2) Conduct an informal inquiry. If desired and/or possible, the complainant's name will be kept anonymous.

(3) Attempt resolution within 30 calendar days from the date contacted by the complainant. The counseling period may be extended an additional 30 days only upon the request of the complainant and with the approval of the SEEM for the sole purpose of providing the EEO counselor additional time to resolve the complaint.

(4) Offer the complainant the option to use the Dispute Resolution Process (DRP) at any time during the counseling process. This process helps the informal counseling process with a more structured process that includes involvement of top management and decision makers who have the authority to remedy grievances raised. A neutral mediator from another agency and state is often used during the DRP to bring about an agreement between both parties. A further explanation of DRP can be found in NGR (AR) 690-600/NGR (AF) 40-1614.

If the complaint is resolved at the informal level, no further action is required and it will be administratively closed. If it is not resolved, the complainant will have 15 calendar days from the date of the final interview in which to file a formal complaint. The complaint form is to be sent to the Office of The Adjutant General, ATTN: CAJS-HR-EEO, 9800 Goethe Road, Post Office Box 269101, Sacramento, CA 95826-9101.

c. The Adjutant General will:

(1) Accept or dismiss all or part of the complaint using the criteria from NGR (AR) 690-600/ NGR (AF) 40-1614 only. Acceptance or dismissal does not signify agreement or disagreement with the issues raised. It is based solely on the procedural criteria cited in paragraph NGR (AR) 690-600/NGR (AF) 40-1614, VOL II para 4-10, not on the merits of the complaint.

(2) If accepted, request a formal investigation from NGB.

(3) Continue to attempt resolution.

(4) If dismissed in whole or in part, the complainant will be notified in writing, of the reason for the dismissal and the process to appeal the dismissal. Dismissal of a complaint constitutes an agency decision with appeal right and must be transmitted to National Guard Bureau for review.

d. National Guard Bureau will:

(1) Appoint an independent investigator to look into the allegations accepted for investigation.

(2) Inform the complainant and California National Guard officials of the completion of the investigation. At this time, the Report of Investigation (ROI) will be sent to the complainant and the SEEM.

(3) Make the final decision/recommendation on the complaint.

The complainant may request an immediate final decision from NGB or an EEOC hearing with a final decision from NGB. This request must be made within 30 calendar days after receiving notice that the investigation is completed.

e. The Equal Employment Opportunity Commission (EEOC) will:

(1) Appoint an Administrative Law Judge for a hearing if one is requested.

(2) Forward their findings to NGB-EO and the complainant.

If the complainant is not satisfied with the results of the hearing and/or the final decision of NGB-EO, they may appeal the decision within 30 calendar days to the Director, Office of Federal Operations, EEOC. The complainant also has the right to file a civil action in a U.S. District Court within 90 calendar days from the date of the final decision or if the decision on appeal.

#### **11-4. CLASS COMPLAINT PROCESSING SYSTEM:**

a. A class complaint is a written discrimination complaint alleging that a personnel policy or practice discriminates against a class of people and that the person filing the complaint has been personally injured. A class complaint is filed by an agent of the class on the behalf of that class. To be considered as a class complaint, the complaint must allege that:



(1) The class is so numerous that a consolidated complaint filed by individual members of the class is impractical.

(2) There are questions of fact common to the class.

(3) The claims of the agent of the class are typical of the claims of the class. The agent must allege that they have been personally harmed by a personnel policy or practice that the National Guard has the authority to change or abolish.

(4) The agent for the class will fairly and adequately protect the interests of the class.

b. A formal class complaint of discrimination may only be filed after the completion of the informal process as with an individual discrimination complaint. National Guard Bureau is responsible for issuing an acceptance or dismissal notice of a class complaint. However, prior to this, an EEOC Administrative Judge of complaints will review the case and made a recommendation to NGB. After receiving the recommendation, NGB will issue a final decision and inform the agent of the class of the right of appeal or to file a civil action.

#### **11-5. TIME LINE FOR FILING A TECHNICIAN COMPLAINT:**

Technician (EEO) Complaints: For federal technicians or applicants for technician positions.

a. Contact an EEO counselor or the SEEM within 45 calendar days from the date of the alleged discriminatory act or when you become reasonably aware of the act.

b. Informal counseling will be 30 calendar days, unless the complainant agrees to extend the process for an additional 30 calendar days. This is only with agreement from the SEEM and if there is a possibility of resolving the complaint.

c. If the complaint is not resolved at the informal stage, the complainant will have 15 calendar days from the date of the final interview in which to file a formal complaint.

#### **11-6. SPECIAL EMPHASIS PROGRAM:**

Special emphasis programs are specifically designed to address the concerns of minority and female groups that often are not concerns/issues faced by the general workforce. The managers of the program have been nominated by the SEEM and Directorate for Human Resources and appointed by The Adjutant General.

## **11-7. SPECIAL EMPHASIS PROGRAM MANAGERS (SEPM'S):**

a. Special Emphasis programs are designed to assist The Adjutant General, the SEEM, and installation commanders in identifying barriers that exclude minorities and females from employment and advancement in this organization. Each program manager assists in devising strategies for overcoming identified barriers and help set goals and monitor efforts to eliminate identified barriers. The managers coordinate special events/activities concerning their programs for the purpose of raising equal opportunity and cross-cultural awareness. They are not directly involved in the EEO complaint process but may be the recipients of formal EEO complaint forms. In turn, the forms are immediately forwarded to the SEEM.

b. The different programs are as follows:

(1) African-American - this program is for those who have origins of any racial group in Africa.

(2) Hispanic - this program is for any person who is Mexican, Puerto Rican, Cuban, Central, or South American or other Spanish culture or origin regardless of race.

(3) Asian/Pacific Islander - this program is for any person having origins in any of the original peoples of the Far East, Southeast Asia, Indian subcontinent or the Pacific Islands.

(4) Native American - this program is for those persons having origins in any of the original people of North America, including Alaska, and who maintain cultural identification through tribal affiliation or community recognition.

(5) Federal Women's Program - this program is for clerical, technical, professional and administrative women.

(6) Physically Disabled - This program is for personnel who are qualified handicapped individuals and are able to perform their job duties with or without reasonable accommodations by the agency.

c. Each program should serve as forums for networking, mentoring, skills enhancement, personal/career growth and finding possible solutions to employment problems that may be unique to any of the groups. A technician can be assigned the collateral duties as Special Emphasis Program Manager. These duties are in addition to their regularly assigned duties and are effective until relieved by proper authority.

d. Each year, specific time periods are set aside as heritage month in the observance of special programs or celebrations that relate to the heritage programs. Annual ethnic observances are designed to enhance cross cultural awareness and promote harmony among all uniformed members, their families and the civilian workforce. These activities are extensions of the California National Guard's (CNG) Equal Employment Opportunity (EEO) and education and training objectives. The general schedule for each year is as follows:

Rev. Dr. Martin Luther King, Jr.'s Birthday	Third Monday in January
African American Heritage Month	February
National Women's History Month	March
Asian/Pacific Islander Heritage Month	May
National Hispanic Heritage Month	15 September-15 October
National Disability Employment Awareness	October
National Native American Heritage Month	November

#### **11-8. AUTHORIZED/ASSIGNED EEO OFFICE PERSONNEL AND EEO COUNSELORS:**

##### **a. EEO Office Personnel:**

<u>LOCATION</u>	<u>PERSONNEL</u>	<u>PHONE NO.</u>
OTAG	State Equal Emp Manager (SEEM)	916-854-3646 DSN 466-3646
OTAG	Equal Employment Specialist	916-854-3407 DSN 466-3407
OTAG	Equal Employment Assistant	916-854-3355 DSN 466-3355

b. Air National Guard EEO Counselors:

LOCATION	PHONE NO.
129th RQW	650-603-9129 DSN 359-9129
144th FW	209-454-5144 DSN 949-9144
146th AW	805-986-7500 DSN 893-7500
162CCGp/DP	916-569-2280 DSN 633-2280
163rd ARW/SCV	909-655-5163 DSN 947-5163

c. Army National Guard EEO Counselors:

LOCATION	PHONE NO.
1106th AVCRAD	209-454-5308 DSN 949-9308
Camp Roberts MATES	805-238-8177 DSN 949-8177
Fort Irwin MATES	619-380-4236 DSN 470-4236
Long Beach CSMS	562-597-4064 DSN 972-2855
Los Alamitos AASF Los Alamitos AFRC	562-795-2460 DSN 972-2460
Det 5 STARC Recruiting Command	916-854-3592 DSN 466-3592
OTAG	916-854-3407 DSN 466-3407

LOCATION	PHONE NO.
Stockton AASF	209-983-5300 DSN 466-5300
USPFO for CA	805-594-6501 DSN 630-6501

## 11-9. GLOSSARY OF TERMS:

a. **AGENCY:** Those governmental organizations with employees covered by Title VII of the Civil Rights Act of 1991. For Affirmative Employment purposes, the California National Guard is considered an agency.

b. **AGENT:** As used with class complaints, an agent is a member of the class who acts for the class during the processing of the complaint.

c. **ALLEGATION:** An assertion by a complainant that an act or personnel action has been discriminatory.

d. **BASIS:** A reason, claimed by a complainant, for a discriminatory action; specifically race, color, national origin, gender (to include sexual harassment), religion, age, physical or mental handicap, or retaliation.

e. **CAJS-HR:** Directorate for Human Resource. Office within the National Guard that provides support of a large variety to the technician and AGR workforce.

f. **CLASS:** As used with class complaints, a group of persons sharing a commonality: women, African Americans, handicapped, etc.

g. **DISCRIMINATION:** A showing of partiality or prejudice in treatment. Specific action or policies directed against the welfare of a gender, race, ethnic or religious group.

h. **EEOC:** Equal Employment Opportunity Commission. The Federal organization which adjudicates equal employment opportunity complaints on appeal after the complaint has been investigated or the agency has failed to process the complaint in a timely manner.

i. **INDIVIDUAL DISCRIMINATION:** The behavior of an individual which is not based on a policy of the agency that results in the unequal or disparate treatment of an individual.

j. **PROTECTED GROUP:** Any group distinguished from the general population in terms of race, color, national origin, age, handicap and gender.

While women are a majority in the general population, they are a “protected group” in terms of the technician labor force. The basic racial and ethnic categories are defined and should be consolidated and reported as follows:

(a) African American - a person having origins in any of the racial groups in Africa.

(b) Asian/Pacific Islander - a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian subcontinent or the Pacific Islands.

(c) Hispanic - a person of Mexican, Puerto Rican, Cuban, Central, or South American or other Spanish culture or origin regardless of race.

(d) Native American/Alaskan Native - a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(e) White - a person having origins in any of the original peoples of Europe, North Africa, the Middle East and not of Hispanic Origin.

(f) Other - a person who does not fit in any of the above categories or does not know their race or ethnic heritage.

k. **RETALIATION:** An act of reprisal, restraint, interference, or coercion against an individual because of their participation in the National Guard Discrimination Complaint System during any stage of presentation and processing. This includes testifying, assisting, or participating in an inquiry or investigation.

l. **SEEM:** The State Equal Employment Manager also known as the EEO Officer. The person who provides information and assists complainants, EEO counselors, and management with the processing of complaints of discrimination.

## CHAPTER 12

### LABOR-MANAGEMENT RELATIONS

#### 12-1. PURPOSE:

a. The purpose of this chapter is to provide California National Guard policy and standing guidelines for all technicians of the California National Guard with their relationship with labor organizations.

b. The authority for Labor/Management Relations (LMR) in the Federal sector is derived from Chapter 71 of the Civil Service Reform Act (CSRA) of 1978. Before the Civil Service Reform Act of 1978, participation in union activities was established by Executive Order and administered through the Assistant Secretary of Labor and the Civil Service Commission (now the Office of Personnel Management). The Federal Labor Relations Authority (FLRA) was established by the Civil Service Reform Act (CSRA) as an independent administrative and appellate authority with a wide-range of labor relations' responsibilities in the Federal sector.

c. The Federal Labor-Management Relations Program is applicable to National Guard Technicians when in a technician status, which is employment pursuant to 32 United States Code (USC) 709. In the National Guard, bargaining unit technicians are free to join and participate in recognized labor organizations.

#### 12-2. SCOPE:

a. Technicians Covered: Under the Federal Service Labor-Management Relations Statute, Section 7112, the Authority has determined that all categories of the Federally paid, excepted and competitive technicians not holding supervisory or managerial positions are covered.

b. Technicians Not Covered: Under the Federal Service Labor-Management Relations Statute, Section 7112, the following individuals are excluded from bargaining unit status: Managers and supervisors, technicians engaged in intelligence work which directly effects national security, technicians engaged in personnel work in other than a purely clerical capacity, technicians engaged in administering the Federal Labor Relations Program and confidential technicians.

#### 12-3. POLICY:

a. Technicians Participation: The well being of technicians and efficient administration of the California National Guard are benefited by providing technicians an opportunity to participate in the implementation of personnel policies and practices effecting the conditions of their employment. The participation of technicians should be improved through

the maintenance of constructive and cooperative relationships between the labor organization and management officials.

b. Recognizing and Working with Unions: It is policy of Department of Defense, National Guard Bureau and the agency (California National Guard), to recognize and work with labor organizations and matters of concern to the technicians they represent, and to place primary reliance on informed settlement, of any differences or disputes at the earliest stage possible by discussion between management officials and representatives of labor organization.

#### **12-4. RESPONSIBILITIES OF THE LABOR RELATIONS RELATIONS SPECIALIST (LRS):**

a. Planning And Formulating Policies: Planning and formulating agency policies and procedures through and for the Adjutant General concerning the California National Guard Labor Management Relations Program.

b. Acting As The Liaison: Serves as the liaison with the labor organizations and represents the Adjutant General in consultation with any labor organization holding national consultation rights or national exclusive recognition; obtaining the views of such organizations on proposed changes, or revisions of personnel policies.

c. Providing Agency Leadership: Providing agency, leadership by acting for the Adjutant General in the establishment of a positive and effective Labor Management Relations Program at all levels of the agency.

d. Appraising The Effectiveness Of The Program: Appraising the effectiveness of the California National Guard Labor Management Relations Program and making policy changes that may be required.

#### **12-5. ADDITIONAL RESPONSIBILITIES OF THE LABOR RELATIONS SPECIALIST:**

a. Regulatory Advice: Furnishes regulatory advice in all matters arising under the California National Guard Labor Management Relations Program.

b. Representation Before Authority: Where representation is required, represents the California National Guard in formal administrative proceedings before the Authority or Panel.

c. Informing Technicians: Assuring that technicians are informed of their rights and obligations under the provisions of the issuance, and that each technician is provided access to a copy of the current labor management agreement.



d. Participation in Consultations: Participating in consultations and negotiations between labor organizations and management officials.

e. Providing Technical Advice: Furnishes management and supervisory officials with technical advice, assistance, and interpretation of labor management policies and regulations.

f. Developing and Maintaining a Sound Program: Provides staff assistance in developing and maintaining a sound program of effective labor management relations.

#### **12-6. TECHNICIANS' RIGHTS:**

Exclusive recognition of a labor organization does not preclude a technician, regardless of whether he is or is not a member of the labor organization, from processing a grievance or appeal based on rights established under applicable law, rules, regulations or established agency policy. Neither does it preclude the technician from choosing their own representative in a grievance or appellate action, when they do not choose to use the applicable negotiated grievance procedure. Technicians may present grievances arising under the agreement without the interventions of the exclusive representative, so long as the exclusive representative is given an opportunity to be present at the time of the adjustment, and the adjustment is not inconsistent with the terms of the agreement.

#### **12-7. INFORMATION TO TECHNICIANS:**

All technicians of the California National Guard shall be informed of their rights and obligations under the provisions of "Title VII." All technicians will be provided access to a copy of the existing labor agreement.

#### **12-8. STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS:**

Under the Federal Service Labor Management Relations Statute, Section 7120, an agency shall accord recognition to a labor organization that is free from corrupt influences and influences opposing basic democratic principles.

#### **12-9. CONSULTATION RIGHTS:**

According to the Federal Service Labor Management Relations Statute, Section 7117:

a. A labor organization which is the exclusive representative of a substantial number of technicians, determined in accordance with criteria prescribed by the Authority, shall be granted consultation rights by any agency with respect to any Government wide rule or regulation issued by the agency effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Authority. Any issue relating to a labor

organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Authority.

b. A labor organization having consultation rights under Section 7117 of the Statute shall:

(1) Be informed of any substantive change in conditions of employment proposed by the agency, and

(2) Shall be permitted reasonable time to present its views and recommendation(s) regarding the changes.

c. If any views or recommendation(s) are presented under Section 7117 of the statute to an agency by any labor organization:

(1) The agency shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendation are presented; and

(2) The agency shall provide the labor organization a written statement of the reasons, for taking the final action.

#### **12-10. RESPONSIBILITIES OF LABOR AND MANAGEMENT:**

a. When a labor organization has received the Certification of Exclusive Representative, it is the exclusive representative of technicians in the unit, and is entitled to act for and to negotiate agreements covering all technicians of the unit. It is responsible for representing the interest of all technicians in the unit without discrimination and without regard of labor organization membership. The labor organization shall be given the opportunity to be represented at formal discussions between management and any technician in the unit concerning grievances, or other matters effecting general working conditions of technicians in the unit. The organization has the right with respect to unit technicians to:

(1) Be Consulted Regarding Personnel Policies: To meet and confer at reasonable times with respect to personnel policies and practices and matters effecting working conditions.

(2) Be the Union Representative at Negotiated Grievance Procedures: Be the exclusive representative of a technician when that technician chooses the use of a negotiated grievance procedure.

b. Technician Self-Representation: Technicians may present their own grievance without the intervention of the exclusive representative so long as the adjustment is not inconsistent with the terms of the agreement, and the exclusive representative has been given an opportunity to be present at the adjustment.

#### **12-11. CONSULTATION AND NEGOTIATION:**

a. Personnel Policies-Working Conditions Grievances: Consultation and negotiation are means of providing labor organizations a voice in the development and implementation of California National Guard personnel policies and procedures, and policies governing general working conditions. Individual grievances and complaints are properly handled within the agency grievance procedures or negotiated grievance procedures and are not appropriate subjects for consultation or negotiation.

b. Obligation To Meet In Good Faith: Both management officials and representatives of labor organizations have an obligation to consult and negotiate diligently and in good faith, over matters deemed appropriate for negotiation. Decisions reached as a result of consultation or negotiation must be made in consideration of their effect on the California National Guard mission, with full regard to the interest of the technician concerned.

#### **12-12. OFFICIAL TIME:**

Official Time - Consultation: Technicians who represent a recognized labor organization may be allowed a reasonable amount of official time to consult with management on personnel policies, or practices and policies governing general working conditions as negotiated in their individual agreement. Official time, although authorized, may only be taken with supervisory approval.

#### **12-13. SCOPE OF CONSULTATION:**

a. Matters Subject to Consultation or Negotiation: Subjects appropriate for, consultation and negotiation with organizations having exclusive recognition, must be within the administrative discretion and authority of The Adjutant General, California National Guard and be permissible by applicable laws and regulations, Executive Order, Office of Personnel Management regulations, and National Guard policy. Negotiations in general include all processes involving preliminary negotiations of ground rules; all aspects of negotiations; mediation; and impasse resolution procedures. Issues within the jurisdiction of local management shall be taken up with, and adjusted at the activity level whenever possible.

b. Matters not Subject to Consultation or Negotiation: Recognition of whatever type shall not require California National Guard officials to consult with any labor organization with respect to any matter not within the administrative authority of the activity head; or which extends to such areas of discretion and policy as the mission of the California National Guard; its budget; organization; the number of technicians; and the number, types and grades of positions or technicians assigned to an organization unit, the technology of performing its work, or its internal security practices.

#### **12-14. IMPASSE IN NEGOTIATIONS:**

a. Techniques for Resolution: Every effort will be made to resolve all issues at the local level. Methods to be employed are those found in the current agreement between the California National Guard and the Labor Organization.

b. Grievance and Arbitration Resolutions: Methods to be employed in grievance and arbitration resolutions are those found in the current agreement between the California National Guard and the applicable or appropriate Labor Organization.

#### **12-15. NEGOTIATION OF AGREEMENTS:**

a. Meeting to Effectuate Agreement: The California National Guard and Labor Organization that has been accorded exclusive recognition, through appropriate representatives, shall meet at reasonable times and confer in good faith with respect to personnel policies and practices and matters, effecting working conditions so far as may be appropriate under applicable laws and regulations. This includes policies set forth in Federal Personnel Manuals, published agency policies and regulations, or other controlling agreements at a higher level (National Guard Bureau or Title VII). They may negotiate an agreement, or any question arising thereunder; determine appropriate techniques, consistent with this issuance, to assist in such negotiations; and execute a written agreement or memorandum of understanding.

b. Mandatory Provisions: Each agreement entered into with a labor organization shall contain, as a minimum:

(1) A statement identifying the parties to the agreement and covering their mutual rights and obligations under its terms.

(2) A statement citing the authority for the agreement, i.e., Title VII and these policies.

(3) A specific definition of the unit covered by the agreement.

(4) The extent and duration of the agreement, including provisions for its amendment;

(5) Provisions for a method resolving disputes or disagreements;

(6) A grievance procedure that shall be limited to matters concerning the interpretation an application of the existing agreement;

(7) Provisions that final authority for approval of this agreement, its amendments or termination

c. Voluntary Membership in Union and in Dues Withholding: Nothing in the agreement shall require a technician to become, or to remain a member of a labor organization or to pay money to the organization except pursuant to a voluntary, written authorization by a member for the payment of dues through payroll deductions.

#### **12-16. USE OF AGENCY FACILITIES:**

a. Posting Notices and Literature. Bulletin boards may be provided for the posting of notices and literature of the labor organization. The labor organization agrees that these bulletin boards are furnished for the convenience of the union and that the union is solely responsible for the materials it posts on them.

b. Distribution of Literature. Distribution of literature by representatives of labor organizations will not be made in work areas or during any duty hours.

#### **12-17. INTERNAL BUSINESS OF TECHNICIAN ORGANIZATIONS:**

Solicitation of Membership By Union: Solicitation of membership or dues, and other internal business of a labor organization shall be conducted during the non-duty hours of the technicians concerned. Technicians outside of their working hours may solicit membership, or collect membership dues on California National Guard premises provided such activities do not interfere with California National Guard's operation and are not conducted during the official working hours of the technicians contacted. Non-technician representatives of the labor organization, with the prior approval of the agency head or the designated representative (Directorate for Human Resources) may hold organization meetings to solicit membership on California National Guard's premises subject to these same restrictions. Break periods are a part of duty hours and therefore, solicitation for membership is prohibited.

#### **12-18. UNFAIR LABOR PRACTICES:**

##### **a. California National Guard's Management Shall Not:**

(1) Interfere with, restrain, or coerce a technician in the exercise of the rights assured by this issuance, the negotiated agreement between the California National Guard and the labor organization or the safeguards assured by Title VII.

(2) Encourage or discourage membership in a labor organization by discrimination in regard to hiring tenure, promotion, or other conditions of employment.

(3) Sponsor, control, or otherwise assist a labor organization, except that the California National Guard may furnish customary and routine services and facilities when consistent with the best interests of the California National Guard, its technicians, and the labor organization when the facilities are furnished, if requested to the labor organizations.

(4) Discipline or otherwise discriminate against a technician because he has filed a complaint or given testimony under Title VII.

(5) Refuse to accord appropriate recognition to a labor organization qualified for such recognition.

(6) Refuse to consult, confer, or negotiate with a labor organization as required by Title VII.

**b. A Labor Organization Shall Not:**

(1) Interfere with, restrain, or coerce a technician in the exercise of his rights under Title VII.

(2) Attempt to induce California National Guard's management/supervisory personnel to coerce a technician in the exercise of his rights under Title VII.

(3) Coerce, attempt to coerce, discipline, fine, or take other economic sanctions against a member of the labor organization as punishment or reprisal for, or for the purpose of hindering or impeding his work performance, his productivity, or the discharge of his duties owed as an officer or employee of the United States.

(4) Call or engage in a strike, work stoppage, or slowdown; picket the California National Guard labor management dispute; or condone any such activity by failing to take positive action to prevent or stop it. Informational picketing may be permitted as long as it does not interfere with National Guard activities.

(5) Discriminate against a technician with regard to the terms or conditions or membership because of race, color, creed, sex, age or national origin.

(6) Refuse to consult, confer, or negotiate with the California National Guard as required by Title VII.

c. **Formal Discussion:** A “Formal Discussion” occurs whenever a member of management conducts a meeting that includes one or more technicians, has a formalized agenda, and the meeting involves personnel policies, practices or working conditions.

(1) If a formal discussion is anticipated, the union is entitled to have a representative present and to receive advance notification concerning the time and place of the meeting.

(2) Formal discussions are not one-on-one meetings that are a daily part of the supervisor/subordinate relationship. For example, a discussion with a technician concerning his or her performance standards and critical elements is not a formal discussion.

d. **Weingarten Right:** A technician has a right to be represented by the labor organization at any examination of the employee by a representative of the agency or employer in connection with an investigation if the technician:

(1) Reasonably believes that the examination may result in disciplinary action against the employee; and

(2) The technician requests representation.

e. **Right of Representation:** Technicians in bargaining units must be informed annually of their right to union representation as set forth in 5 USC 7114 (a)(2)(B).

## **12-19. DEFINITIONS:**

a. **Activity** - “Activity” means the California National Guard Headquarters subordinate Headquarters, (both Army and Air National Guard), National Guard Armories, Army Aviation Support Facilities, Combined Services Maintenance Shops, as well as other California National Guard organizations consistent with the term “activity”.

b. **Advance Notice** - In general, an announcement of an intention to carry out a certain action, given to an affected or interested party in sufficient time to prepare for the action.

c. **Agency Administrative Grievance Procedure** - In the Federal Government, a systematic agency procedure for the resolution of grievances from employees who are not in bargaining units. The Office of Personnel Management’s regulations specifies the basic requirements for each agency’s administrative grievance procedure.

d. **Authority** - “Authority” means the Federal Labor Relations Authority described in Section 710(a) of Title VII of the Statute.

e. **Certification** - The determination by the Federal Labor Relations Authority of the results of an election (Certification of Election Results); or the recognition of the labor organization by the Federal Labor Relations Authority as the exclusive representative based on the mandatory procedure for determining such a representative (Certification of Representative). -

f. **Certification Bar** - From the date of the certification of a union as the exclusive representative, a one-year period during which that union cannot be challenged by another labor organization. This bar protects a union from challenge in the absence of a negotiated agreement.

g. **Civil Service Reform Act of 1978 (CSRA)** - Legislation enacted in October 1978 for the purpose of reforming and upgrading the Federal Civil Service System and improving efficiency and quality of public service. The Civil Service Reform Act of 1978 gave to management the tools and flexibility's it needed to improve operations. The new law also guaranteed protection of the basic rights of Federal employees. In the labor-management relations area Civil Service Reform Act of 1978 was important because it gave Federal employees legal basis for their right to organize, bargain collectively, and participate through labor unions in decisions which effect their working conditions.

h. **Conditions of Employment** - Means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, effecting working conditions, except that such term does not include policies, practices, and matters:

(1) Relating to political activities prohibited under Subchapter III of chapter 73 of the Federal Service Labor-Management Relations Statute;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

i. **Confidential Employee** - An employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

j. **Consultation** - An obligation on the part of employers to consult the labor organization on particular issues before taking action on them. In the Federal Government consultation refers only to the duty owed by agencies to labor organizations which have been accorded national consultation rights. That duty involves informing the union of substantive changes in conditions of employment, giving the union time to present its views and recommendations, considering those views and recommendations, and giving the union written reasons for the final action.



k. **Dues** - Fees and assessments.

l. **Exclusive Representative** - Means any labor organization which:

(1) Is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of the statute; or

(2) Was recognized by an agency immediately before the effective date of this chapter as the exclusive representative of employees in an appropriate unit on the basis of an election; or

(3) On a basis other than an election, and continues to be so recognized in accordance with the provisions of the Federal Service Labor-Management Relations Statute.

m. **Executive Order (EO) 10988** - Issued in 1962 by President Kennedy, setting the framework for collective bargaining in Federal Government. The Order defined the scope of participation by unions in determining personnel policies and working conditions not established by statute, Executive Order 10988 was superseded by Executive Order 11491 in October 1969.

n. **Executive Order (EO) 11491 (As Amended)** - issued in 1969 by President Nixon, setting forth the parameters and general guidelines for bilateralism in the Federal Labor Relations Program. It established administrative bodies to carry out the Order and also provided for unfair labor practice procedures; recognition of labor organizations; and standards of conduct for labor organizations before the effective date of Title VII.

o. **Executive Order (EO) 12871** - Issued on October 1, 1993 by President Clinton, establishing the National Partnership Council. This council was formed to support the creation of labor-management partnerships and promote partnership efforts in the Executive Branch. The order was reaffirmed on October 28, 1999.

p. **Federal Labor Relations Authority (FLRA)** - An administrative body empowered by Title VII of the Civil Service Reform Act of 1978 to provide leadership in Federal service labor-management relations matters by establishing policies and guidance.

q. **Federal Mediation And Conciliation Service (FMCS)** - An independent Federal agency which provides mediators to assist the parties involved in negotiations, or in a labor dispute, in reaching a settlement; provides lists of suitable arbitrators or request, and engages in various types of "preventive mediation".

r. **Federal Service Impasses Panel (FSIP)** - Organizational entity within the Federal Labor Relations Authority, which resolves bargaining impasses in the Federal service. The Panel may recommend procedures, including arbitration, for the settling of impasses or it may direct settlement of the impasse itself.

s. **Formal Discussion** - Discussions between an agency representative(s) and a bargaining unit employee(s) or the employer's representative(s), on an employee's grievance, or personnel practice or policy or other conditions of employment which affects bargaining unit employees. The union has the right to be present at these discussions.

t. **Grievance** - Means any complaint:

(1) By any employee concerning any matter relating to the employment of the employee; or

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee labor organization, or agency concerning:

(4) The effect or interpretation, or a claim of breach of a collective bargaining agreement; or

(5) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

u. **Labor Organization** - "Labor Organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment, but does not include:

(1) An organization which by its constitution, bylaws, tacit agreement among its members or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or non-preferential civil service status, political affiliation, marital status, or handicapping condition.

(2) An organization that advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an agency; or

(4) An organization which participates in the conduct of a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

v. **Long-term Contract** - Generally, a collective bargaining agreement with a duration of two or three years or longer, as distinguished from a one-year contract.

w. **Management Official** - An individual employed by an agency in a position the duties and responsibilities of which require or authorized the individual to formulate, determine, or influence the policies of the agency.

x. **Mediation** - A procedure by which an impartial third party (a mediator) is used to settle disputes. The mediator assists in resolving the dispute by attempting to find a solution satisfactory to both parties in a dispute but renders no binding decisions. In the Federal Government, mediation is required before impasses can be referred to the Federal Service Impasses Panel.

y. **National Consultation Rights** - In the Federal Government, a union, which has exclusive recognition of an agency-wide basis or is the exclusive representative of a substantial number of agency employees, is granted consultation rights. To fulfill these rights, the agency must inform the union of substantive changes in conditions of employment, give the union time to present its views and recommendations, consider those views and recommendations, and give the union written reasons for the final action.

z. **Negotiability** - "Negotiability" refers to whether a given topic is subject to bargaining between the agency and the union. The Federal Labor Relations Authority makes final decisions on whether a subject is negotiable.

aa. **Negotiated Grievance Procedure** - A systematic procedure agreed to by the negotiating parties for the resolution of grievances. The negotiated grievance procedure is applicable only to employees in the bargaining unit.

bb. **Open Period (Window Period)** - In the Federal Government, the forty-five (45) day period (105 to 60 days prior to contract expiration) when a union holding exclusive recognition is subject to challenge by a competing union or by employees in the bargaining unit who no longer desire representation by the recognized union. An open period becomes available near the expiration date of a contract or three years after the effective date of the contract whichever occurs first.

cc. **Panel** - Means the Federal Service Impasses Panel described in Section 7119 of the statute.

dd. **Past Practice** - Existing practices sanctioned by use and acceptance, that is not specifically included in the collective bargaining agreement.

**ee. Professional Employee -**

(1) An employee engaged in the performance of work that requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities; requiring the consistent exercise of discretion and judgment in its performance; which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described above and is performing related work under appropriate direction or guidance to qualify the employee as a professional employee also described above.

**ff. Representation Election (Election, Recognition Election) -** Election conducted to determine whether the employees in an appropriate unit desire a labor organization to act as their exclusive representative.

**gg. Representation Activity -** Activities performed by a union (or the union's representative) on behalf of the employees the union represents. Such activities include meeting and negotiating with management, investigating problems, handling grievances, and policing the terms of the collective bargaining contract.

**hh. Standards of Conduct for Labor Organizations -** In the Federal Government, those standards which govern internal democratic practices and fiscal responsibility, and procedures to which a labor organization must adhere to receive recognition under the law. Assistant Secretary of Labor for Labor-Management Relations maintains responsibility for making known and enforcing standards of conduct for labor organizations in the Federal Government and the private sector.

**ii. Statute -** A law.

**jj. Supervisor -** An individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of independent judgment, except that. The term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

kk. **Technician** - "Technician" for the purposes of the unit(s) granted Exclusive Recognition, means an excepted or competitive technician of the California National Guard who is eligible to be a member of a labor organization.

ll. **Unfair Labor Practice** - Action by either an employer or union which violates the provisions of national or state labor relations laws, such as refusal to bargain in good faith.

mm. **Weingarten Right** - Name taken from a private sector case. Refers to the right of a bargaining unit employee to be represented by the union under specific circumstances. That right exists when:

(1) The employee is examined in an investigation (an investigatory; examination) conducted by an agency representative,

(2) The employee reasonably believes disciplinary action against him or her may result, and

(3) The employee requests union representation.

## ANNEX A

### MERIT PLACEMENT PLAN FOR TECHNICIANS

#### A-1. PURPOSE:

This plan establishes procedures and provides information on the merit placement program for excepted and competitive technician positions in the California Army and Air National Guard.

#### A-2. POLICY:

It is the policy of the California National Guard that all technician positions be filled by the best qualified individuals available and to insure that all technicians have an opportunity to develop and advance to their full potential. All technician vacancies will be filled on the basis of merit and job-related factors. For purposes of this plan, military requirements are considered as job-related qualifying factors for positions in the excepted service. All actions under this plan will be made without discrimination for non-merit reasons, such as race, color, religion, sex, national origin, marital status, membership or non-membership in an employee organization, and age or non-disqualifying physical handicap (except military requirements for excepted technicians).

#### A-3. SCOPE:

This plan encompasses all permanent Federal technician positions in the California National Guard. It will be used in filling positions.

#### A-4. MERIT PLACEMENT PLAN DEFINITIONS:

a. *Excepted Service Technician:* A person employed as a technician under the provisions of Section 709(a), Title 32, United States Code. As a condition of employment, excepted service technicians must be members of the National Guard and hold the military grade of officer, warrant officer, or enlisted. Excepted service technicians must occupy a compatible military position and unit of assignment as specified by the appropriate NGB Compatibility Listing. Excepted technicians are outside the competitive service of the U.S. Government.

b. *Competitive Service Technician:* A person employed as a technician under Section 709, Title 32, and is not required to be a member of the Army or Air National Guard as a condition of employment. As a general rule, a technician acquires competitive status by a prescribed system that includes examination and service (for a specified period of time) in probationary and conditional appointments.

c. *Selective Placement Factors*: Specific knowledge, skills, and abilities (KSAs) or qualifications essential for satisfactory performance on the job. Elements, to be valid, must be job related, reflected in duties/responsibilities of the position, essential to assure referral of qualified candidates, and measurable. Selective placement factors cannot be narrow (i.e. eliminating applicants who could perform the duties or learn readily during normal orientation), or become part of the minimum standard. As such, these factors constitute a mandatory part of the requirements for the position. Use of selective placement factors must be fully justified.

#### **A-5. RESPONSIBILITIES:**

a. *The Adjutant General* is the appointing authority for the California National Guard technician program and is the highest level of authority in the state concerning the overall application of the Merit Placement Plan.

b. *The Directorate for Human Resources* is responsible to The Adjutant General to insure that the requirements of the Merit Placement Plan are carried out. The Directorate for Human Resources will:

(1) Develop, maintain, evaluate, and revise the Merit Placement Plan as necessary.

(2) Assure compliance with the Merit Placement Plan.

(3) Provide information, guidance, and assistance to managers, supervisors, and technicians concerning their responsibilities under the Merit Placement Plan.

(4) Assure that candidates are properly evaluated and certified for placement or promotion.

(5) Assure that all information related to the merit selection process (crediting plan for job qualification, promotion, interview, selection, etc.) is held in strict confidence.

(6) Maintain necessary records.

c. *Managers and supervisors will*:

(1) Assure that technicians under their supervision are aware of the Merit Placement Plan.

(2) Assure that actions effected within their area of responsibility are based on merit without discrimination.

(3) Encourage technicians under their supervision to develop themselves for promotional opportunities.

(4) Submit employee prepared applications (upon request) to published vacancy announcements for technicians who are absent (away on military duty, service schools, etc.).

(5) Assure that all information related to the merit selection process (interview, selection, etc.) is held in strict confidence.

(6) Assure that technicians under their supervision hold a compatible military assignment, if in the excepted service.

*d. Individual Technicians Are Responsible For:*

(1) Pursuing developmental opportunities in preparing to assume higher level duties.

(2) Familiarizing themselves with the provisions of the Merit Placement Plan.

(3) Carefully reviewing the requirements and information in vacancy announcements, and applying for the vacancies for which they believe they are qualified.

(4) Assuring that application forms contain accurate, complete, and current information concerning experience, qualifications, training, and self-development activities.

(5) Furnishing requested specific information relative to their personal qualifications and eligibility for specific positions.

(6) Arranging with their supervisors to submit (technician prepared) applications, for vacancies (when temporarily absent from their jobs).

(7) Ensuring that they are in a compatible military assignment if in the excepted service.

**A-6. MANAGEMENT RIGHTS.**

*Management Retains The Right To:*

a. Select or non-select from among a group of certified candidates. If no selection is made when there are five or more certified candidates, a statement addressing the reason(s) each certified applicant was non-selected must be provided to the Directorate of Human Resources with the returned Certificate of Eligibles. The Directorate for Human Resources will advise each applicant of the reason for non-selection.



b. Fill vacant positions utilizing any process prescribed herein. This includes, but is not limited to, reemployment priority lists, transfers, management directed reassignments, details, position changes resulting from RIF, placement of an individual exercising restoration rights, reinstatement, or dual technician/AGR announcements for ANG.

#### **A-7. NOMINATING OFFICERS:**

Appointment and promotion of excepted and competitive service technicians will be accomplished by the Directorate for Human Resources based on CAL NG Form 690-2 (Nominations for Technician Employment), or SF-52 (Request for Personnel Action), submitted by nominating supervisors (or their designated representatives) indicated below:

- a. Air National Guard Commanders (Pilot) and Detachment Commanders (Elect).
- b. USPFO Supervisory Logistics Management Specialist.
- c. Heavy Mobile Equipment Mechanic General Foreman (CSMS and MATES).
- d. Aircraft Pilot Supervisor (AVCRAD, AASF and AAFA, AFRC).
- e. Facility Managers at the Training Sites.
- f. State Headquarters:
  - (1) Chief of Staff.
  - (2) Director of Surface Maintenance (SMO).
  - (3) Director of State Aviation (SAO).
  - (4) Director of Logistics.
  - (5) Director of Plans, Operations and Training (POTO).
  - (6) Director for Human Resources.
  - (7) Executive Support Staff Officer.
  - (8) Director of Military Personnel Management.
  - (9) Director of Facilities.
  - (10) Human Resources Management Specialist.

## **A-8. EXCEPTIONS TO COMPETITION:**

### *Actions Exempt from Competition:*

- a. Promotion due to issuance of new classification standards or the correction of a classification error.
- b. Placement of overgraded technicians entitled to grade retention as a result of Reduction-in-Force (RIF) or reclassification (see paragraph A-9 below).
- c. Promotion when competition was held earlier (i.e., position advertised with known promotion potential).
- d. Repromotion to a grade or an intervening grade or position from which a technician was demoted without personal cause and not at his/her request.
- e. Promotion resulting from a technician's position being reclassified at a higher grade because of classification review or inclusion of additional duties and responsibilities.
- f. Reassignment to a position having no higher promotion potential.
- g. Position change required by Reduction-in-Force (RIF).
- h. Temporary promotion of 120 days or less.
- i. Selection of a former technician from the Reemployment Priority List for a position at the same or lower grade than the one last held.
- j. Employment and reemployment of a technician who performed duty with a uniformed service, whether voluntary or involuntary, provided the technician meets all the requirements (see Chapter 9 for more details).
- k. Temporary Appointment Not to exceed 1 year.
- l. Detail to higher grade or to a position with known promotion potential for 120 days or less.
- m. Placement as a result of priority consideration when a candidate was not previously given proper consideration in a competitive action.

#### **A-9. CALIFORNIA NATIONAL GUARD PLACEMENT PLAN FOR TECHNICIANS ENTITLED TO GRADE RETENTION:**

a. *Coverage:* The provisions of this plan apply to technicians entitled to grade retention under Section 5362 of Title 5, United States Code. The Merit Placement Plan does not apply to technicians entitled to pay retention.

b. *Policy:* It is the policy of the Adjutant General, State of California, to provide aggressive priority placement assistance to those technicians in grade retention status.

c. *Placement Actions:*

(1) Separate retained grade rosters for ARNG and ANG technicians who are placed in lower graded positions as the result of reduction-in-force or reclassification actions will be maintained by the Directorate for Human Resources. These technicians will be afforded priority placement to equal or intervening grade positions for which they meet the full technician and military qualifications for a period of two years. Such priority placement efforts will precede normal vacancy publication actions under the Merit Placement Plan. Upon receipt of a request to publish a vacancy announcement, the Directorate for Human Resources will:

(a) Review the retained grade roster.

(b) Determine if qualified technicians are available within the commuting area .

(c) If only one qualified technician is identified from the retained grade roster, a reassignment offer will be made and an information copy of the offer will be forwarded to the supervisor who requested the announcement.

(d) If more than one qualified technician is identified within the commuting area, an "overgraded technician certificate" of all eligible technicians will be forwarded to the selecting supervisor for selection.

(e) If no qualified technicians are identified within the commuting area, reassignment offers will be made to qualified technicians outside the commuting area. Information copies of the offers and technician responses will be furnished to the supervisor who requested the announcement. Offers outside the commuting area may be made to equal or intervening grade positions.

(f) If no qualified technicians are identified from the retained grade roster, the vacancy announcement will be processed in accordance with the Merit Placement Plan.

(2) Grade and pay retention will be terminated if a technician refuses an offer to a position within the commuting area equal to the technician's retained grade. Overgraded technician's names will be removed from the overgraded roster at the expiration of the two year grade retention period. Acceptance or declination of a position at an intervening grade will not affect grade retention. (Example: A technician in a retained grade of WG-12 in a WG-10 position who is offered a WG-11 position.)

#### **A-10. POSITION ANNOUNCEMENT AND APPLICATION PROCEDURES:**

*Request for filling vacancies:* Requests should be submitted as soon as a projected vacancy is known. When requesting that a position be filled, the Selecting Supervisor will submit a SF 52 (Request for Personnel Action) through normal channels, to the Directorate for Human Resources. The following information is required on the SF 52:

a. Position Title, Series, Grade(s), Position Description Number, Location, paragraph and line number for Army positions, and Functional Account Code and position number for Air Force positions.

b. Type of Appointment (excepted **or** competitive). A separate SF-52 is required for positions announced as both excepted **and** competitive.

c. Military Grade Available: Officer (O1 to O7), Warrant Officer (W1 to W4), and/or Enlisted (E1 to E9).

d. Requested Area of Consideration. If requested area of consideration is other than statewide, the reason for the restriction to a certain area or reason to announce nationwide must be stated.

e. Recommended Selective Placement Factors: If selective placement factors are used, full justification must be submitted.

f. A statement that the position description has been reviewed and the duties and responsibilities are current and accurate as written. (See Chapter 2 for more details.)

g. Whom the position is vice, reason for vacancy (promotion, resignation, etc.), and effective date the position will be vacant.

h. Title of Selecting Supervisor. Selection authority must be delegated to the lowest level of supervision consistent with good management practices.

i. Duration of Announcement (normally 30 days - minimum 21 days). Occasionally it becomes necessary to announce a position as "Open Until Filled or not later than (a specific date)" when a position is hard to fill.

j. Position Sensitivity (see Chapter 3 for more details).

- k. Certification of Available Funds (see Chapter 3 for more details).

#### **A-11. TEMPORARY (NTE) AND INDEFINITE APPOINTMENTS:**

a. *Temporary Appointments (Not To Exceed - NTE):* A temporary appointment may be made outside competitive procedures if the duration of the appointment is not to exceed one year. Selections for temporary appointments must meet the minimum qualifications for the position and at the grade levels for which employed. Normally, temporary appointments for short periods of time will be filled at less than the journeyman level. The Directorate for Human Resources may adjust the grade level for which a temporary appointment is requested. Temporary (NTE) appointments may not be promoted or reassigned, and may be terminated when the position is no longer needed. A temporary appointment (NTE) does not confer permanent status. Temporary appointees are not eligible for coverage under the retirement system, or for health or life insurance, and do not accrue military leave. Temporaries who have exceeded one year are eligible for health insurance; however, the entire Health Insurance cost is borne by the technician. Annual and sick leave are accrued beginning the first biweekly pay period; however, if the appointment is less than 90 days, the employee is not entitled to annual leave. Once the technician is employed for a continuous period of 90 days or more, he/she can begin to use his/her annual leave. (See Chapter 6 for more details.)

b. *Indefinite Appointments:* Indefinite appointments will be used when there is a need for the position to extend beyond one year. Competitive procedures must be used when filling a position on an indefinite basis. An indefinite appointment does not confer permanent status, and may be terminated thirty days after written notification when the position is no longer required. Indefinite appointees may be promoted, reassigned, or changed to a lower grade, to other positions with indefinite status, and pay into the retirement system, receive annual, sick, and military leave, and are eligible to participate in the health and life insurance programs.

#### **A-12. VACANCY ANNOUNCEMENTS:**

When a position is not going to be filled as an exception to competition (see A-8 above), the vacancy will be announced. As a minimum, the vacancy announcement will contain the following information:

- a. Title, series, grade, position description number, and salary range of the position.
- b. Type of appointment (excepted **or** competitive).
- c. Military Requirements (Officer, Warrant Officer, Enlisted) and compatibility requirements (SSI, MOS, AFSC).
- d. Requested area of consideration.

e. Organizational (including required military unit of assignment) and geographical location of the position).

f. Title of selecting supervisor.

g. Information regarding known promotion potential, if applicable.

h. Summary of duties and minimum qualification requirements.

i. Opening and closing dates and how to apply.

j. Equal employment opportunity statement.

k. Functional code for ANG positions.

l. Selective Placement Factors (If any).

m. Knowledge, Skills and Abilities (KSAs) that will be used to determine the three best qualified applicants from which selection will be made.

n. ANG positions may be announced for concurrent dual technician and AGR vacancy at the request of the selecting supervisor.

o. Number of vacancies being announced, if more than one.

#### **A-13. POSTING OF ANNOUNCEMENTS:**

Vacancies will normally be announced for a minimum of 30 days. To insure that interested persons are aware of the vacancy, announcements should be posted conspicuously throughout the area of consideration in those areas most accessible to all members of the California National Guard. Vacancy announcements are posted on the Directorate for Human Resource Web Page at "[www.calguard.ca.gov/cahr](http://www.calguard.ca.gov/cahr)".

#### **A-14. AREA OF CONSIDERATION:**

The area of consideration for each specific vacancy announcement will be that deemed most appropriate by nominating supervisor and Directorate for Human Resources to insure receipt of qualified candidates. Depending on circumstances, the area of consideration may be expanded or restricted. In order to maximize promotional opportunities for technicians within the Army/Air National Guard program, the area of consideration will normally be Statewide.

## **A-15. PRIORITY CONSIDERATIONS:**

First consideration for promotion/placement for all excepted and competitive service positions will be given to:

a. Permanent Federal technicians of the California National Guard. This priority consideration will be titled Group I consideration and will require a minimum of three permanent technician applicants to be effected. When there are less than three Group I applicants, Group II consideration will be afforded non-permanent technicians and applicants who are not current technicians of the California National Guard.

b. Army technicians will not compete for Air technician positions, nor will Air technicians compete for Army technician positions; except positions identified for either service. Competitive lines may be crossed by Army or Air technicians for positions when Group II applicants are certified. (If selected, transfer to the appropriate service will be required).

## **A-16. QUALIFICATION STANDARDS FOR COMPETITIVE/EXCEPTED SERVICE POSITIONS:**

a. *Competitive Service Positions.* Requirements contained in the U.S. Office of Personnel Management X118 Handbook, plus proof of competitive status, time-in-grade requirements (5 CFR 300) and selective placement factors (if used) will serve as the basis for determining eligibility for competitive service positions.

b. *Excepted Service Positions.* Qualification requirements provided by the National Guard Bureau, appointment requirements, compatibility criteria, and selective placement factors (if used) will serve as the basis for determining eligibility for excepted service.

c. Questions concerning qualification standard for Competitive or Excepted service positions may be directed to the Directorate for Human Resources.

## **A-17. APPLICATION PROCEDURES:**

The application SF 171, (Application for Federal Employment); OF 612, (Optional Application for Employment); or resume is the basic document used to determine an individual's qualifications for a position. The application must reflect the applicant's current and past employment information and dates, as well as military duty assignments, qualifications, education, and training. Complete and accurate data is essential to insure fair evaluation of candidates for both excepted and competitive service positions. Applicants wishing to respond to published vacancy announcements must:

a. Carefully review the qualification requirements for the vacancy and match their own experience, education, training and other related factors to those in the announcement prior to submitting their applications. Applications should only be submitted if the minimum qualification requirements and selective placement factors are met.

b. Submit application or resume to the Directorate for Human Resources. Applications must be received in the Directorate for Human Resources no later than the close of business on the closing date of the announcement. Applications received after the closing date will be rated ineligible.

c. Include all experience (with percentages of time for each duty), education, training, awards, special qualifications, and other information which is directly related to the position to which application is being made. Copies of, or referrals to, position descriptions will not be accepted.

d. The SF-171, OF612, resume, or other written format **must** contain the following information or it may not be rated:

(1) Job title on announcement and announcement number.

(2) Grade (lowest grade applicant will accept).

(3) Name.

(4) Social Security Number.

(5) Mailing Address.

(6) Phone number (daytime and evening).

(7) Work Experience related to the job for which you are applying, including job title (if federal, include series and grade), date experience was obtained (from mm/yy to mm/yy).

(8) Salary.

(9) Hours per week.

(10) Employer's name and address.

(11) Supervisor's name and phone number

(12) Description of duties and accomplishments for each position.



Do not make reference to material in the Official Personnel Folder (OPF) or Military Personnel Records Jacket (DA 201). The OPF or DA 201 will not be used in the screening process. If an applicant fails to give complete details, it may cause him/her to be rated ineligible. The application or resume must have original signature and date. The description of duties and responsibilities may be verified with former employers.

#### **A-18. TRAINEE AND UPWARD MOBILITY POSITIONS:**

a. *Use of Trainee and Upward Mobility Positions.* Trainee and upward mobility positions may be used under the following circumstances:

(1) Fully Qualified/Trainee Positions. Positions may be announced for consideration of applicants qualified at the trainee level, as well as, fully qualified applicants, when the qualification requirements make it difficult to find fully qualified applicants for the position.

(2) Trainee Only Positions: A position will be open for consideration of "Trainee Applicants Only" when it is desirable to fill a position at a lower grade (to provide entry level grades, or intermediate grades, for employment or promotional opportunity).

b. *Determination of Trainee Grades.* The specific trainee grades and qualifications to be announced for a technician position will be determined by Directorate for Human Resources as follows:

(1) General Schedule Positions: Selection of the trainee grades and required qualifications for general schedule positions are determined by the occupational series, qualification standards, and normal career pattern for that series. (One grade interval or two grade interval positions).

(2) Wage Grade Positions: Selection of the trainee grade and qualifications for wage grade positions are determined by the occupational series, journeyman level of the position, qualification standards, and normal career pattern.

(3) Selective placement factors, if required, must be justified.

c. *Promotion of a Trainee.* A technician, who is selected through merit placement procedures to fill a position at less than the authorized grade and who completes all necessary training programs and meets both the qualifications and legal requirements for the position and accomplishment of a desk audit, may be non-competitively promoted upon recommendation and certification of fully acceptable performance by the immediate supervisor of the position. The SF-50, (Notification of Personnel Action) will normally indicate requirements to be completed for non-competitive promotion.

## **A-19. TEMPORARY PROMOTIONS:**

a. A temporary promotion is the most appropriate means of meeting a situation requiring the temporary service of a technician in a higher grade position. It may be used when a technician has to perform the duties of a position during the extended absence of the incumbent; to fill a position that has become vacant until a permanent appointment is made; to assume responsibility for an increased workload for a limited period; or to participate in a special project which will last for a limited period. Temporary promotion to an established position not only gives better recognition of management's needs and the technician's new responsibilities, but also compensates the technician more adequately for the higher graded work performed.

b. A temporary promotion is not appropriate, however, for training or evaluating a technician in a higher-grade position. It may not be used to give a technician a trial period before permanent promotion; to decide among candidates for permanent promotion; or to train a technician in higher graded positions.

c. A technician selected for a temporary promotion must be informed, in advance, of the promotion, and the circumstances that make it a temporary promotion, rather than a permanent promotion. The technician must be informed in terms that leave no doubt of the temporary nature of the action and of all conditions relating to it, including its expected duration. Assurance must be given that the technician will return to the original position from which promoted when there is no longer a need in the higher grade, or when the expected period has ended. The temporary promotion will be documented to show that the technician had full knowledge of the action taken, and the conditions under which the temporary promotion was made.

d. A technician may be temporarily promoted for the expected duration of the need of his/her services in the higher grade not to exceed five years. Competitive procedures must be used when the promotion will last for more than 120 days (prior time served in detail to higher graded positions or temporary promotion during the proceeding 12 months is included when computing the period).

e. A temporary promotion may be made permanent if competitive procedures were used originally, and the vacancy announcement shows that it could lead to a permanent promotion without further competition.

## **A-20. EVALUATION PROCEDURES:**

a. When it is necessary to refine a list of eligible candidates (more than three qualified applicants), the Knowledge, Skills and Abilities (KSAs) from the vacancy announcement will be used to identify the three best qualified candidates from which selection will be made. The KSA factors, rating scores and supporting documentation will be recorded on NGB Form 300-3, (Knowledges, Skills, and Abilities Category Worksheet).

b. All eligible candidates will be certified to the selecting official, unless there are more than ten qualified applicants. In this case, the applicants will be further evaluated. The Directorate for Human Resources must further re-evaluate candidates and decrease the number of candidates referred on the Certificate of Eligible to below ten. The following procedures will apply in re-evaluating qualified applicants:

(1) The Directorate for Human Resources, in conjunction with the selecting supervisor will further define characteristics of the knowledge, skills and abilities as listed on the vacancy announcement.

(2) The Directorate for Human Resources will then convene a panel consisting of a representative from the Directorate for Human Resources and subject matter expert(s) (not selecting supervisor(s)) who will re-evaluate the list of candidates.

c. Experience as described on the application/resume will be evaluated in terms of type and quality in relation to the requirements of the position. Length of service will only be used when there is a clear relation to quality of performance or when necessary to break ties (when all other ratings are equal). Experience will be rated on each KSA according to the following categories:

(1) Superior Level Experience. Candidate possesses type and quality of experience that substantially exceeds the basic requirements of the position, including selective placement factors, and could be expected to perform effectively in the position almost immediately or with a minimum of training and/or orientation.

(2) Above Average Level Experience. Candidate possesses type and quality of experience that exceeds the basic requirements of the position and could be expected to perform effectively in the position within a reasonable period of time (e.g., 3 to 6 months).

(3) Average Level Experience. Candidate satisfies the basic requirements of the position, but:

(a) Type and quality of experience beyond that which is basically required is minimal and/or

(b) Extensive additional training and/or orientation would be required to enable the candidate to satisfactorily perform the duties of the position.

d. Experience categories will be converted to numeric ratings according to the point values below, according to the number of KSA Factors:

	Three KSA	Four KSA	Five KSA	Six KSA	Seven KSA	Eight KSA
Superior	33.3	25.0	20.0	16.6	14.2	12.5
Above Average	28.3	21.2	17.0	14.1	12.1	10.6
Average	23.3	17.5	14.0	11.6	10.0	8.7

For example, using five KSA factors, a candidate's combined category rating of Superior (20); Superior (20); Above Average (17); Average (14) converts to a total of 88 (20+20+17+17+14).

e. After receiving the applications/resumes of the three best qualified candidates, the selecting supervisor may either select from the record or interview all three candidates. If the supervisor interviews one candidate, he/she must interview **all three** candidates. Following selection, copies of the NGB Forms 300-3 **must** be provided to the Directorate for Human Resource office, along with other documents needed to support and process the personnel actions.

## **A-21. CERTIFICATION AND SELECTION:**

### *a. Action by the Directorate for Human Resources:*

(1) The Directorate for Human Resources will screen all applications to insure that candidates meet the basic eligibility requirements as indicated on the vacancy announcement after the vacancy announcement has closed. If the position has been justified as hard to fill and the vacancy is announced as "Open Until Filled," the Directorate for Human Resources will rate applicants every two weeks and send a Certificate of Eligible to the selecting supervisor. All applicants will be entered on CAL NG Form 690-14 (Screening Work Sheet for Merit Staffing Actions) with appropriate qualification rating.

(2) Candidates who meet the basic eligibility requirements as indicated on the vacancy announcement will be certified to the selecting supervisor on CAL NG 690-15, (Certificate of Eligibles). If there are more than three candidates, the evaluation procedures of paragraph A-20 will be used by the selecting supervisor.

(3) The Certificate of Eligibles will list the eligible candidates alphabetically in each group category.

(4) After selection is made, the Directorate for Human Resources will notify those candidates not selected.

b. *Action by Selecting Supervisor.* The selecting supervisor is entitled to select or non select any candidate on the Certificate of Eligibles. (ANG positions announced for dual technician/AGR consideration may be selected from either the technician or the AGR Certificate of Eligibles). Upon receipt of the Certificate of Eligibles, the selecting supervisor will:

(1) Review each application or resume.

(2) Candidate Selection. After a complete review of each applicant's application or resume, the selecting supervisor, using appropriate KSAs, will determine the three best qualified candidates and either select from the application or interview. The selecting supervisor must provide a copy to the Directorate for Human Resources of the evaluation process/notes utilized to determine the numerical scores from which the three best qualified were determined. The NGB Form 300-3 (Knowledges, Skills, and Abilities Category Worksheet) will be used to record the ranking of the applicants, and the documentation of the KSA's used. CAL NG Form 690-5 (Candidate Selection Worksheet) may be used if desired. The selecting supervisor will assure that the selectee is qualified for assignment to a compatible military assignment prior to completion of selection documents.

(3) Non-Selection: If selection is not made when there are five or more certified candidates, a statement addressing the reason(s) each certified applicant was non-selected must be provided to Directorate for Human Resources with the returned Certificate of Eligibles. Each applicant will be advised of the reason for his/her non-selection.

(4) Sign and return the Certificate of Eligibles to the Directorate for Human Resources with the required selection documents, i.e., SF-52 (Request for Personnel Action) or 690-6, (Nomination for Technician Employment) appointment package, and a Technician Performance Appraisal Report. Also, military grade, SSI/MOS/AFSC/TOE/UDL (Duty) assignment, and unit of the individual must be entered on the selection document. If a change in military unit is involved, the new assignment effective date must be entered.

c. *Release of Selectee.* After selection for promotion/placement, a technician must be released promptly from his/her present position. Normally, release will be made two weeks after selection. The selecting supervisor will arrange a release date, and secure the signatures of the losing supervisor and higher headquarters on the SF-52 (Request for Personnel Action). If a permanent change of station is required, the effective date will be at least three pay periods after selection, or as established by the Directorate of Human Resources and must be noted on the SF-52 or CAL NG 690-2.

## **A-22. PLACEMENT/PROMOTION RECORDS:**

a. *Complete placement/promotion records will be maintained by the Directorate for Human Resources to:*

- (1) Provide a clear record of the action taken.
- (2) Evaluate the merit placement program.
- (3) Provide proof that merit placement actions are being made on a fair and equitable basis in accordance with the Merit Placement Plan.

b. *Records Required:* Sufficient records are required to allow reconstruction of the placement/promotion actions. As a minimum, the following information and forms will be retained:

- (1) Vacancy Announcement request (SF-52, Request for Personnel Action).
- (2) Copy of the Vacancy Announcement.
- (3) List of all applicants names (CAL NG Form 690-14).
- (4) Copy of each qualified application (SF 171, OF 612 or resume) received.
- (5) KSA Worksheet (NGB 300-3), if applicable.
- (6) Selecting Supervisor's evaluation notes/records.
- (7) Certificate of Eligibles signed by Selecting Supervisor.
- (8) When selection is made from the AGR Certificate (for Dual ANG Technician/AGR announcements), the selecting supervisor must return the Technician Certificate of Eligibles, stating that he selected a candidate from AGR announcement #\_\_\_\_\_.
- (9) Copy of each non-selection letter.

c. *Duration.* Records will be maintained for a minimum of two years. If a grievance is pending, records will be maintained until resolution.

d. *Privacy Protection.* Information relating to individual placement actions or to the candidates will not be discussed with or shown to unauthorized individuals. Supervisors and personnel specialists participating in merit placement actions will not disclose the details of their work to unauthorized persons.

## ANNEX B

### CALIFORNIA NATIONAL GUARD AGENCY GRIEVANCE PROCEDURE

#### B-1. GENERAL:

a. This agency grievance procedure applies to California National Guard technicians who are **NOT** eligible for membership in the recognized bargaining unit. Technicians who are eligible for membership in the bargaining unit, whether dues paying or not, must use the negotiated grievance procedures contained in the appropriate labor/management agreement.

b. This procedure provides technicians the opportunity to obtain personal relief in a matter of concern or dissatisfaction that is subject to management control. General objectives in establishing this procedure are:

(1) To prevent undermining of technician morale by the effects of unsettled complaints and grievances.

(2) To take preventive action and effectively handle complaints and grievances.

(3) To provide a channel for voicing complaints and submitting grievances in which a technician is assured freedom from reprisal.

(4) To promote effective employee-management relations and efficiency of agency operations.

c. Technicians may request the assistance of another person of their own choosing in preparing or presenting their grievances.

d. Technicians and/or their representatives will be given a reasonable amount of official time to present the grievance.

e. The time limits specified in these procedures pertain to calendar days and may be extended by mutual agreement of the technician and supervisor or deciding official concerned.

#### B-2. DEFINITIONS:

a. *Dissatisfaction* – A matter of concern to a technician regarding the interpretation or application of management policies.



b. *Complaint* – A dissatisfaction that has been brought to management’s attention either orally or in writing.

c. *Grievance* – A complaint that has not been satisfactorily resolved through the informal procedure established herein.

### **B-3. COVERAGE:**

a. Except as provided in subparagraph b below, these procedures apply to any matter of concern or dissatisfaction to a technician which is subject to the control of the Adjutant General or any subordinate management official or supervisor. Grievance may include, but are not limited to, the following:

(1) Working conditions and environment.

(2) Relationships with supervisors and with other technicians and officials.

(3) Management decisions specifically covered by these grievance procedures.

(4) Interpretation and application of personnel policies or directives.

b. *These procedures do not apply to:*

(1) The content of published California National Guard policy.

(2) Non-selection for promotion from a group of properly certified candidates.

(3) Discharge, suspension, furlough without pay, or reduction in rank of compensation.

(4) Non-adoption of a suggestion or disapproval of an incentive award.

(5) Performance rating appeals.

(6) Classification appeals.

### **B-4. PROCEDURES:**

a. *Informal:*

(1) Technicians who have a complaint will present the matter to their immediate supervisor. The complaint may be presented either orally or in writing. Technicians will present a complaint concerning a particular act or occurrence within 15 days of the date they became aware of that act or occurrence.

(2) If the immediate supervisor is unable to resolve the complaint within five days, the technician may present the complaint, either orally or in writing, to the second level supervisor. The technician has five days from receipt of the first line supervisor's decision to present his complaint to the second line supervisor.

(3) If the technician is dissatisfied with the second line supervisor's decision or has not received a decision from the second line supervisor within ten days, a formal grievance may be filed.

b. *Formal:*

(1) Technicians may present grievances under the formal procedure if they have completed action under the informal procedure and submit their formal grievance within ten days of receipt of the second line supervisor's decision or within 20 days of the submission to the second line supervisor if no decision was received from the second line supervisor.

(2) The written grievance must:

(a) Be submitted utilizing the technician grievance form shown in Enclosure 1 at the end of the annex.

(b) Contain sufficient detail to identify and describe the basis of the grievance.

(c) Specify the personal relief desired.

(3) The grievance will be submitted to the appropriate deciding official indicated below, or if that official is the second line supervisor, direct to the Chief of Staff:

(a) **ARNG:**

(i) Training Operations and OMS Technicians – Deputy Adjutant General Army.

(ii) USPFO Technicians – USPFO

(iii) Support Maintenance Technicians—Director, State Maintenance.

Aviation. (iv) Army Aviation, AVCRAD, AFRC Technicians-Director, State

Army Division. (v) State Headquarters Technicians-Deputy Adjutant General,

**(b) ANG:**

Air Division. (i) State Headquarters Technicians-Deputy Adjutant General,

mander. (ii) 146<sup>th</sup> Airlift Wing Technicians-Port Hueneme, ANG Air Com-

mander. (iii) 129<sup>th</sup> Rescue Wing Technicians-Moffett FAF, ANG Air Com-

Commander. (iv) 163<sup>rd</sup> Air Refueling Wing Technicians – March ARB, Air

mander. (v) 144<sup>th</sup> Fighter Wing Technicians – Fresno, ANG Air Com-

(vi) 162<sup>nd</sup> Combat Communications Group Technicians (For all subordinate units) – North Highlands, Detachment Commander.

(4) The deciding official will make every effort to resolve the grievance. He will complete Part II of the technician's grievance form and return the original plus one copy to the technician with his decision within 20 days of receipt of the grievance. An information copy of the technician grievance form with the decision reached will be forwarded to the Directorate for Human Resources.

(5) The aggrieved technician, upon receipt of the technician grievance form with the deciding official's decision, has 15 days to appeal that decision. The appeal must be submitted to the Directorate for Human Resources and must state the basis for the appeal. If the technician, within the 15 day period, does not request an appeal, the grievance will be considered as resolved and canceled for failure to duly proceed with advancement of the grievance.

## **B-5. HEARING EXAMINER:**

a. A Hearing Examiner, when required, will be selected by the Directorate for Human Resources from a list of certified hearing examiners obtained by Directorate for Human Resources from the National Guard Bureau. Hearing Examiners will meet the standards of experience and training prescribed by the National Guard Bureau. Upon approval of The Adjutant General, a Hearing Examiner will be assigned to conduct an inquiry and to make recommendations, but will withdraw from a proceeding at any time he deems himself disqualified. He may be withdrawn by The Adjutant General for good cause that is found after timely affidavits alleging personal bias or other disqualifications have been filed and the matter has been reviewed.

b. The Hearing Examiner will conduct an inquiry of the nature and scope appropriate to the issues involved in the grievance. At the examiner's discretion, the inquiry may consist of:

(1) Securing documentary evidence.

(2) Personal interviews.

(3) Group meetings.

(4) A hearing.

(5) Any combination of the above.

c. If a hearing is held, a verbatim transcript will be used and will become part of the record of the proceedings.

d. The examiner will prepare a written report of his findings and recommendations and submit the report to The Adjutant General. The technician will be furnished a copy of the report.

e. The Adjutant General will make a final decision on the grievance not later than 30 days after receipt of the Hearing Examiner's recommendation.

# Enclosure 1-1

<b>AGENCY ADMINISTRATIVE GRIEVANCE FORM</b>	UNIT & LOCATION	
<b>PART 1</b>		
TECHNICIAN NAME:	TECHNICIAN TITLE:	
DATE OF INCIDENT OR AWARENESS OF CONDITION CAUSING PROBLEM	DATE INITIALLY DISCUSSED WITH SUPERVISOR:	
NAME OF 1 <sup>ST</sup> LEVEL SUPERVISOR:	SUPERVISORS PHONE #:	
DESCRIPTION OF PROBLEM: (USE CONTINUATION SHEET IF NECESSARY)		
ACTION REQUESTED RESOLUTION DESIRED:		
SUMMARY OF 1 <sup>ST</sup> LEVEL SUPERVISOR'S INFORMAL DECISION:		DATE:
GRIEVANTS TYPED OR PRINTED NAME, RANK, SIGNATURE:		DATE:
INSTRUCTIONS:		
<ul style="list-style-type: none"> <li>- SUBMIT TO APPROPRIATE DECIDING OFFICIAL</li> <li>- KEEP A COPY</li> </ul> <p>(REVERSE SIDE FOR ACTION TAKEN)</p>		

<b>PART 2 – REVIEW BY DECIDING OFFICIAL</b>		DATE GRIEVANCE RECEIVED:
REASON AND BASIS:		
SIGNATURE AND TITLE OF DECIDING OFFICIAL:		DATE:
(LOCAL REPRODUCTION AUTHORIZED)		

## ANNEX C

### REDUCTION-IN-FORCE (RIF)

#### C-1. INTRODUCTION:

Reorganizations, realignments, and workforce reductions may require the movement or displacement of technicians. In most cases, reduction of positions does not necessarily result in separation of technicians. When reorganizations, consolidations and workforce reductions are anticipated, one of the major objectives is avoidance of adverse impact on the current workforce, to the maximum extent possible. Management makes every effort to avoid involuntary separations by considering management directed reassignments, separation pay incentives, technician requested change to lower grades, furloughs, voluntary retirements, elimination of temporary technicians, and hiring restrictions. Reduction-In-Force (RIF) is implemented only as a final solution. All policy and instructions necessary to conduct a Reduction-In-Force are contained in Technician Personnel Regulation (TPR) 300(351). The Reduction-In-Force procedures in Federal Personnel Manual (FPM) Supplement 351-1 do not apply since 32 USC 709(f) excludes National Guard technicians from the provisions of 5 USC 3502 (Order of Retention) and 6 USC 2108 (Veterans Preference).

#### C-2. EQUAL EMPLOYMENT OPPORTUNITY POLICY:

Positions may not be assigned to competitive levels on the basis of the sex of the incumbents, unless the positions are in combat units that prohibit the assignment of women. When placement actions involve technicians with disabilities, Section 501 of the Rehabilitation Act of 1973 (as amended) and 29 Code of Federal Regulations (CFR) 1613 require management to provide reasonable accommodation for identified disabilities.

#### C-3. RESPONSIBILITIES:

a. *The Adjutant General:* The Adjutant General determines whether Reduction-In-Force is necessary, after notification of technician losses from the National Guard Bureau (NGB). After NGB's notification of concerned Congress and Senate representatives, The Adjutant General, or his designated representative, will issue a public announcement or letter about downsizing and personnel losses. Through the efforts and support of the Director for Human Resources and key management officials, The Adjutant General ensures that any system used to reduce or reorganize the workforce results in equity, consistency, minimal adverse impact, and accomplishment of critical missions. The Adjutant General makes the final decision regarding individual appeals of actions taken during any technician downsizing, reorganization, or transfer of function.

b. *Managers:* Managers and supervisors are responsible for planning workforce reductions and reorganizations as far in advance as possible, preferably a year. Managers should include the Director of Human Resources in the early planning and decision making stage and keep the workforce informed. Rewriting position descriptions to include multiskillful and eliminating unnecessary supervisory or leader positions through effective position management helps to achieve targeted reductions. Imposing a hiring freeze and employment of temporary technicians for non-critical vacancies early on minimizes adverse impact on the current workforce.

c. *Directorate for Human Resources:* The Director for Human Resources and staff serve as advisors and technical experts to The Adjutant General and managers on laws, regulations, policy, entitlements, benefits, Reduction-In-Force procedures, and placement assistance. Assistance will include, but is not limited to, the following:

- (1) Brief manager, supervisors, and their subordinates as required.
- (2) Ensure technician personnel records and position descriptions are current.
- (3) Determine retirement eligibility and conduct interest surveys.
- (4) Accomplish qualifications update and review.
- (5) Institute outplacement assistance
- (6) Establish re-training programs for other occupational series and/or agencies.

#### **C-4. INFORMING THE WORKFORCE:**

Notification to the labor organization concerning any changes and, upon request, bargain on negotiable proposals. To alleviate anxiety and control rumors, the Director of Human Resources will conduct briefings, publish information about proposed changes and distribute information about regulations.

#### **C-5. MANAGEMENT OPTIONS:**

When reorganizations, consolidations, and workforce reductions are anticipated, one of the major objectives is avoidance of adverse impact on the current workforce, *to the maximum extent possible*. Below are recommended actions to achieve reduction or reorganization before implementing Reduction-In-Force.



a. *Management Directed Reassignment*: Where possible, reassign excess technicians to available vacancies at the same grade level outside of the organizations impacted by position losses. Managers may reassign technicians at any time and to any location in the state. If all excess technicians can be reassigned, involuntary separation actions are unnecessary. Reassignments to locations outside of the commuting area are subject to laws and regulations governing severance pay, permanent change of station (Joint Travel Regulation), and Discontinued Service Retirement.

b. *Voluntary Early Retirement Authority (VERA)*: When managers anticipate a significant number of involuntary separations caused by reorganization or workforce reduction, authority for voluntary early retirement will be requested from National Guard Bureau-Human Resources Office (NGB-HR) and a General Notice to the work force issued. The General Notice may include a survey to determine who is interested in accepting early retirement. Managers may offer voluntary early retirement statewide, including both Army and Air National Guard, or limit it to specific organizations, occupational series, service (e.g. Army only), or geographical location. Early retirees must separate from the workforce before the effective date of the Reduction-In-Force and within the “window period.” Voluntary Early Retirement is a management tool rather than a technician’s entitlement. Determination as to how broad to offer VERA is based on the number and extent of technician reductions (See Chapter 5 for more details.). An approved early Retirement must result in placement of an excess technician. Management may stop offering VERA before the expiration of the authority when target reductions are achieved. Reports must be submitted to NGB-HR not later than 10 days after expiration of the VERA authority.

c. *Voluntary Separation Incentive Pay (VSIP)*: A cash payment up to \$25,000 is another management tool to minimize involuntary separations by encouraging voluntary resignations, Optional Retirement and early retirement. Technicians who chose to resign or leave with an Optional Retirement do not need VERA. Voluntary Separation Incentive Pay recipients must separate before the effective date of the formal Reduction-In-Force.

d. *Voluntary Change to Lower Grade*: After a General Notice is issued about expected downsizing, technicians may voluntarily accept a change to lower grade in order to save another technician from adverse impact. Technicians who volunteer for change to lower grade will receive grade/pay retention in accordance with governing regulations, under the following conditions:

(1) The technician is in the same competitive area and level of technicians targeted for demotion.

(2) The voluntary change to lower grade will prevent the demotion of another technician.

(3) Voluntary demotions are free from coercion or pressure on the part of supervisors or higher level managers.

The volunteer must acknowledge in writing the reasons for the change to lower grade, the benefits to which he/she is entitled, and the irrevocability of the demotion after receipt of a change to lower grade notice. Volunteers for change to lower grade are entitled to noncompetitive re-promotion to their former grade and position when suitable vacancies become available; however, re-promotion is not guaranteed.

e. *Voluntary Separations:* Technicians may volunteer from involuntary separation. Volunteers for Reduction-In-Force separation receive severance pay as long as the following conditions are met:

(1) Volunteers for separation must be in the same competitive area and competitive level as technicians targeted for involuntary separation.

(2) The volunteer separation results in placement of an excess technician.

(3) Volunteer separations are cost effective in comparison to involuntary separations.

(4) Funds are available to cover the cost of a voluntary separation.

(5) Volunteers must be serving on a permanent appointment and may not have a pending or approved application for Disability Retirement.

(6) Volunteers must sign a written understanding of record which states their understanding of the separation, entitlement to benefits, and that their decision is irrevocable. Technicians who volunteer for separation are ineligible for Voluntary Separation Incentive Pay (VSIP) and registration in the DOD Priority Placement Program.

f. *Furlough:* When budget deficits occur, managers may avoid involuntary separations by placing technicians temporarily in a non-pay status. For furlough of 30 calendar days or less (22 workdays or less when furlough days are not continuous), refer to Technician Personnel Regulation (TPR) 700(715). A furlough is appropriate when managers expect to return technicians back to work within twelve months. Give as much advance notice as possible, a minimum of 14 calendar days before the effective date. Total shutdown of facilities because of lapse of Government funding, natural disasters, or other emergencies may necessitate furlough with no advance notice. In such situations, affected technicians will receive written notification as soon as possible. The technicians will be informed of:

- (1) Reason(s) for furlough.
- (2) Estimated length.
- (3) Appeal rights.
- (4) Obligation to return to work on the date specified.
- (5) Separation for failure to return to work when recalled.

If technicians are called back to work before the specified date, those with higher retention standing (see Paragraph C-6 for more details) will return to duty first.

g. *Other Management Options:* Consideration may be given to curtailing recruitment, separating temporary technicians, and encouraging use of leave without pay. A Reduction-In-Force should be implemented only as a final solution.

#### **C-6. REDUCTION-IN-FORCE DEFINITIONS:**

a. *Reduction-In-Force (RIF).* A Reduction-In-Force occurs when a technician is released from his/her competitive level by separation, change to lower grade, or furlough for more than 30 calendar days. Reduction-In-Force also occurs if an incumbent is displaced through reassignment or change to lower grade actions. Workforce reductions may occur because of lack of work or funds, reorganization, abolishment of positions, transfer of function, or the need to provide a job placement for a former technician who exercises reemployment rights following military service. Termination of temporary appointments or temporary promotions, furloughs for less than 30 calendar days, or reclassification (unless part of reorganization) are not considered Reduction-In-Force actions. Unless directed by the National Guard Bureau, the decision to implement a Reduction-In-Force will be made by The Adjutant General.

b. *Tenure Groups.* Tenure groups are the categories in which technicians are grouped based on length of employment and completion of probationary/trial periods as follows:

(1) **Tenure Group I.** Permanent, excepted service technicians who have successfully completed a trial period and permanent, competitive service technicians with career status, who have successfully completed their probationary period.

(2) **Tenure Group II.** Permanent excepted service technicians who are serving a trial period.

(3) **Tenure Group III.** Technicians who serve on indefinite appointments in the excepted service.

c. *Service Computation Date (SCD)*. The date used to determine a technician's seniority or retention standing during a Reduction-In-Force based on creditable Federal civilian and military service.

d. *Technician Service Date (TSD)*. The date based on the total service as a technician with the National Guard under permanent, indefinite and temporary appointment, including technician service in other states.

e. *Commuting Area*. A commuting area is any geographical area and surrounding localities where people live and can reasonably be expected to travel back and forth daily to their employment sites. There is no set mileage standard that can be used to determine the commuting area. Commuting areas will be determined locally.

f. *Competitive Area*. The boundary within which technicians compete for retention and receive placement offers. A competitive area may be defined in terms of organization and/or geographical location. It may be restricted to the commuting area or one organization or expanded to cover the entire state. The area may also include both the Army and Air National Guard or be restricted to one service. The competitive area should be identified during advance planning for Reduction-In-Force (See Enclosure 1 and 2 at the end of the annex).

g. *Competitive Level*. A group of identical or similar positions for which technicians compete for retention. Positions are grouped by competitive levels within each competitive area. Generally, each competitive level consists of positions which have the same grade and occupational series; or are similar in qualifications requirements, working conditions, duties and pay) incumbent of one position can perform the duties of another position without significant training or interruption of work operations). Some positions in the same occupational series will be in different competitive levels because of major differences in functions and qualifications. There is no limit on the number of positions that may be assigned to a particular competitive level. The competitive level may consist of only one position if that position is exceedingly unique to be grouped with other positions. The position the technician is permanently and officially assigned to establishes the competitive level. The position to which a technician is **temporarily** promoted, **temporarily** reassigned or detailed is not used to establish the competitive level.

h. *Retention Register*. A list of competing technicians within a competitive level grouped by Tenure 1, 2 and 3 in descending order. Within each tenure group, technicians are listed in order of their retention standing; Service Computation Date (SCD) and, as a tie breaker, the Technician Computation Date (TCD).

i. *Retention Standing*. The technician's ranking on a retention register may be determined by a variety of elements, such as, appointment type, tenure group, work Contributions, the Service Computation Date (SCD) and the Technician Service Date (TSD).

j. *Order of Release.* The order in which technicians on the retention register will be released from their competitive level based upon their retention standing.

k. *Placement Offer.* Efforts to place technicians who are released from their competitive level in positions at the same or lower grade.

l. *Representative Rate.* A rate used to determine the nature of the job change (promotion, demotion, etc.) when different types of pay schedules are involved, whether in the same or different wage area. It is the fourth step of the grade of a position under the General Schedule (GS) or the second step of the grade for a Federal Wage System (FWS) position under a regular prevailing rate schedule established in accordance with subchapter IV of Chapter 53, Title 5, U.S. Code.

m. *Grade Retention.* Retention of an eligible technician's grade for a period not to exceed two years when demoted by Reduction-In-Force or reclassification (Code of Federal Regulations 536 and Technician Personnel Regulation 990-2). (See Chapter 4 for more details.)

n. *Pay Retention.* Entitlement of eligible technicians to current pay when it exceeds the maximum rate of the grade of the position in which placed (Code of Federal Regulations 556 and Technician Personnel Regulation 990-2). (See Chapter 4 for more details.)

o. *Severance Pay.* Payment to an eligible technician who has been involuntarily separated from the Federal Government. Severance pay reduces the financial effect of job loss, thereby assisting technicians as they seek employment (CFR 556 and TPR 990-2). (See Chapter 4 for more details.)

p. *Advance Notices.* Written notices to inform technicians about actions (e.g., reorganization, realignment, or Reduction-In-Force) which will occur and the affect upon the work force.

(1) *General Notice.* A written notice, with an expiration date, that informs the workforce about anticipated organizational changes when specific information about how each technician will be affected is unknown. The general notice discusses any changes in the organization that may involve the mission, function, location, and number/types of positions and technicians. A General Notice is unnecessary when sufficient information is available to issue a Specific Notice. The General Notice does not count toward the 60 day notice period for the Specific Notice.

(2) *Specific Notice.* A written notice, addressed to each technician involved, which describes what specific action will occur and its affect on each technician. The technician must receive the specific notice a minimum of 60 days before the effective date.

q. *Appeal.* A technician's request for review of procedures and actions taken regarding a Reduction-In- Force. The right of appeal does not extend beyond the State Adjutant General. (See Paragraph C-13 for more details.)

## **C-7. MANDATORY REQUIREMENTS FOR REDUCTION-IN-FORCE:**

a. *Preparation.* Long before a Reduction-In-Force is anticipated, it is essential that all personnel records pertaining to service computation date, technician service date, position classification, tenure group, and competitive levels and eligibility for Optional and Early Retirement are complete and accurate.

b. *Competitive Area.* When the extent of the Reduction-In-Force is known, the competitive area is established as far in advance as possible. Technicians will compete for positions within their designated competitive area. Those who cannot be placed within their competitive area may be placed in vacant positions outside of their competitive area through merit placement procedures. (See Enclosure 1 and 2 and the end of the annex).

c. *Competitive Level.* The State Classification Specialist, with assistance from the Personnel Staffing Specialist, will establish separate competitive levels for:

- (1) Part-time and full-time positions.
- (2) Excepted and competitive service positions.
- (3) Supervisory and non-supervisory.

d. *Retention Registers.* Establish separate registers for different competitive levels. Arrange the technicians' names on the register in descending order within each competitive level by tenure group and Service Computation Date (SCD). Doing a "Mock Reduction-In-Force" in advance of an actual Reduction-In-Force is recommended to enable management to determine who would be adversely affected and need placement assistance.

e. *Tie-Breakers.* Technician Service Date (TSD) will only be used as a tie-breaker in the event that two or more technicians have the same Service Computation Date (SCD).

f. *Status of Technicians Restored After Active Duty.* Technicians who have been restored after active duty under 38 U.S.C. 2024(a) and 38 U.S.C. 2024(b) may not be separated for one year after restoration except for cause. If technicians in this category are identified for release from a competitive level during their first year of restoration, they may not be separated, but are entitled to an equivalent position. (See Chapter 8 for more details.)

g. *Status of Technicians Restored After Fully Recovering From Injury (Within One Year)*. A fully recovered technician who is permanently re-employed in a position funded by the National Guard will compete with other onboard technicians for retention. Such technicians may be separated because of Reduction-In-Force or personal cause. Those in positions which are not funded by the National Guard do not participate in the Reduction-In-Force process, but may be reassigned to other organizations because of lack of work.

h. *Competitive/Excepted Positions*. Certain organizations (e.g., USPFO, Directorate for Human Resources) have both excepted and competitive service technicians who occupy identical positions. In such cases, competitive and excepted service technicians will be on separate retention registers. The Adjutant General will decide whether to reduce the excepted or competitive workforce.

i. *Order of Release*. Based upon tenure group and other elements, identify technicians for release from their competitive level. Release technicians in the order in which their name appears on the retention register.

j. *Adjustment in Order of Release*. Adjustment in the order of release may be necessary for very unusual situations; e.g., to allow for completion of a special project impacting on the organization's mission. If lower standing technicians are retained while releasing those with a higher standing, inform the higher standing technicians, in writing, of the reasons for the change in order of release. After completion of the special project, the lower standing technician will be released and the higher standing technician will be reinstated to duty.

k. *Preparation of Specific Notice*. Before releasing technicians from their competitive level, they must receive a Specific Notice no later than 60 days prior to the effective date of the personnel action. The last day of the notice may not fall on a non-workday. The personnel action may not be effected, or the notice delivered, during the period 15 December through 3 January. If a more severe action than originally proposed becomes necessary, a new notice will be issued. As a minimum, include the following information in the notice:

(1) Reason(s) for the action

(2) Specific action that will be taken(reassignment, demotion, separation, etc.) and effective date.

(3) Title, series, grade and salary of new job offer.

(4) If applicable, compatibility information for the new position.

(5) If applicable, reasons for any exceptions to order of release.

(6) Location of retention registers, pertinent regulations and who to contact for additional information.

(7) Appeal rights (how to submit, to whom, and time limits).

(8) Explanation of all benefits due, such as, grade and pay retention, severance pay entitlement, and retirement eligibility.

(9) Eligibility for additional placement assistance.

(10) Requirement for the individual to acknowledge receipt of the notice by signature, if delivered in person, or by return receipt, if mailed.

#### **C-8. PLACEMENT EFFORTS:**

a. *Review of Qualifications.* Review each technician's qualifications in conjunction with available vacancies.

b. *Placement Actions.* Placement offers and competition for occupied positions will occur in the following order:

(1) Placement in vacant positions at the same grade or pay.

(2) Competition for occupied positions at the same grade or pay.

(3) Placement in vacant positions at lower grade levels or pay.

(4) Competition for occupied positions at lower grade levels or pay.

When placed, technicians must meet all military/compatibility requirements and be able to perform the duties of the job. The Directorate for Human Resources may waive all technician qualification standards except mandatory education and military compatibility requirements (unless waived by NGB) for placement in vacant positions at the same or lower grade. In order to displace other technicians in occupied positions at the same or lower grade level, management and the Directorate for Human Resources must determine that the excess technicians are well qualified **AND** can perform the duties without disruption of the work operations. Technicians who are displaced will receive job offers. Competitive, merit placement procedures must be used for placement in higher graded positions.

c. *Placement Actions.* If the order of release process identifies more than one technician for release, the Directorate for Human Resources will place technicians with higher standings before those with lower standings. Technicians unable to be placed must be separated.



d. *Reemployment Priority Lists.* Establish Reemployment Priority Lists (RPL) to document separation of technicians and to provide a tool for orderly reemployment consideration. A Reemployment Priority List contains names of individuals in tenure group and retention standing (highest to lowest) and will remain on the list for two years. Technicians will receive priority placement for all suitable vacancies at the same grade or representative pay rate of the former position. Reemployment Priority Lists registrants should also be queried about availability for positions at lower grades and in other commuting areas; however, their entitlement to reemployment is at the grade of the former position and in the same commuting area. Therefore, declination of reemployment opportunities at lower grades or outside the commuting area will not result in removal from the Replacement Priority List. If vacancies become available, refer qualified technicians in tenure group 1, before those in tenure group 2.

If no qualified technicians are in tenure group 1, refer those in tenure group 2. Refer all qualified technicians for consideration and selection by the selecting official if the tenure group has more than one qualified Replacement Priority List registrant. Remove names of individuals who decline an offer at the same grade or representative rate, request removal, or when the period of consideration expires. Technicians entitled to grade retention in accordance with Technician Personnel Regulation (TPR) 300(335), will receive priority placement before Replacement Priority List registrants.

e. *DOD/OPM Priority Placement Program.* Technicians who qualify may be registered for placement in other agencies through the Department of Defense (DOD) and Office of Personnel Management (OPM) priority placement programs. Registration will be in accordance with DOD Manual 1400.20-1-M.

f. *Job Training Partnership Act Program.* Additional placement assistance may be obtained through the Job Training Partnership Act Program (JTPA) which is administered by each state government. Contact your state representative for information about training programs, employment services, and other benefits.

## **C-9. RECORDS AND FILES:**

Maintenance and disposition of all files and records associated with any action will be in accordance with Army Regulation 25-400-2 or Air Force Pamphlet (AFP) 1250. Files must contain all records necessary to reconstruct any action, including:

- a. Rationale for establishment of the competitive area.
- b. Official authorization for the Reduction-In-Force or reorganization.
- c. Copies of all retention registers.
- d. Reduction-In-Force notices.

- e. Placement actions.
- f. Documentation of exceptions to order of release.
- g. Other pertinent documents.

#### **C-10. TRANSFER OF FUNCTION:**

A transfer of function occurs when a continuing function moves from one competitive area to another; or the competitive area in which the function is performed moves to another commuting area. The movement of a function within the same competitive area does not meet the definition of a transfer of function. In a transfer of function, the operation of the function must stop in one area and continue in its identical form in another area. The movement of a function to a gaining competitive or commuting area where an identical function is already being performed, is not a transfer of function.

#### **C-11. TYPES OF TRANSFERS:**

The transfer may occur within the same state or between different states. When the transfer of function occurs in the same state, every effort should be made to transfer technicians with the function. A written notice must be issued to affected technicians a minimum of 90 days before the effective date. A transfer of function may involve the relocation of a military unit to another state. The decision as to who will be appointed as technician rests with the Adjutant General of the gaining state or his designated appointing authority. The decision as to who will be assigned to the military unit rests with the unit commander. These decisions will determine whether technicians from the losing state meet legal and regulatory requirements for transfer with their unit. The gaining state is encouraged to accept technicians from the losing state who would otherwise be demoted or separated. The losing and gaining states should work together to effect the transfer and assist technicians who will face demotions or separations.

#### **C-12. PERSONNEL MANAGEMENT IMPLICATIONS OF TRANSFER OF FUNCTION:**

a. *Losing State.* Notify the gaining state about affected technicians as far in advance as possible to determine who will transfer with the unit.

As soon as this information becomes available, issue a written notice to technicians within the function concerned, a minimum of 90 days before the effective date which states:

- (1) Reason(s) for the transfer;
- (2) Effective date;

(3) If applicable, the maximum amount of time (at least 10 calendar days) to either accept or reject the transfer offer; and

(4) If the transfer offer is rejected, the notification letter constitutes a notice of termination of employment which is effective on the date of the transfer;

(5) Eligibility for severance pay, optional retirement, and discontinued service retirement. If eligible, other technicians may volunteer to transfer in place of the incumbents of positions assigned to the transferring unit. Volunteers must meet technician qualification and military compatibility requirements. The losing state should advise technicians who do not transfer with their unit about placement assistance available, including Department of Defense and Office Personnel Management placement programs. Management has the option to reassign individuals to an organization that will not transfer with their unit. If placement opportunities do not exist, such technicians will be separated.

b. *Gaining State.* After a determination is made as to the effective date of the transfer and which technicians will transfer with the unit, help the losing state or location ease the transfer by providing information on housing, schools, employment site, and other amenities. If the transfer would result in an excess number of technicians at the gaining work site, use Reduction-In-Force procedures before technicians are physically relocated to the new employment site.

### **C-13. APPEALS AND CORRECTIVE ACTIONS:**

A technician or representative of the labor organization, who believes that the provisions of governing regulations were improperly applied, may appeal the action to the State Adjutant General. The appeal must be in writing and be submitted no later than 30 days after receipt of the Specific Notice. The appeal must specifically state how the action failed to comply with the procedures in National Guard Bureau (NGB) or local regulations. The State Adjutant General will issue a written decision to all interested parties and, where appropriate, direct corrective action. The Adjutant General's decision is final, and no other appeal opportunity exists. If an appeal results in the finding of an error that does not change the results of a placement action, the error will be corrected without returning the incumbent to his or her former position. If the appeal results in a finding that an error caused an incorrect placement action, corrective action may require the incumbent to return to his or her former grade and pay level or to one with similar duties, status, grade, and pay. The technician may also be reimbursed for all pay lost as a result of any improper action.

This page is reserved for future use.

**COMPETITIVE AREAS  
AIR NATIONAL GUARD**

1. OTAG Air Division
2. 144th FW
3. 146th AW
4. 129th RQW
5. 163rd ARW
6. 162nd Combat Communications Group, to include:
  - a. 149th Combat Comm Sq
  - b. 222nd Combat Comm Sq
  - c. 148th Combat Comm Sq
  - d. 261st Combat Comm Sq
  - e. 147th Combat Comm Sq
  - f. 234th Combat Comm Sq
  - g. 216th Elec Install Sq

**COMPETITIVE AREAS**  
**Army National Guard**

1. Training Operations:

- a. GS-08 and above - Statewide within Training Operations.
- b. All Others - Major Organizations.

2. Support Maintenance:

- a. All Wage Supervisors - Statewide in State Maintenance.
- b. All Others - Within respective areas (SMO, CSMS, MATES or OMS).

3. Army Aviation (included AVCRAD and AFRC):

- a. GS-12 and above and all Wage Supervisors - Statewide in Army Aviation and AVCRAD.
- b. All Others - Within respective ASSF, AAFA, AFRC or AVCRAD.

4. Office of The Adjutant General (OTAG):

a. Resource Management Division:

- (1) Within USPFO
- (2) Within Directorate for Human Resources

b. Army Division:

- (1) Training Sites
- (2) Office of the Adjutant General (OTAG) - Within Army Division/Joint Staff

## ANNEX D

### PERFORMANCE APPRAISAL PLAN

#### D-1. AUTHORITY:

The authorities for Annex D – California National Guard Technician Performance Appraisal Plan are:

- a. Title 5 Code of Federal Regulations, Parts 430, 451 and 531.
- b. Civil Service Reform Act of 1978 (Public Law 95-454).
- c. Office of Personnel Management (OPM) regulations.
- d. Technician Personnel Regulation 430 dated 1 October 1997.

This Annex D contains general guidance to be used by managers, supervisors, and technicians in the proper use of the Technician Performance Appraisal Report.

#### D-2. PURPOSE:

Annex D establishes a “two tier” (meets standards/does not meet standards) Technician Performance Appraisal Report for California National Guard Technicians.

#### D-3. OBJECTIVE:

The objective of the California National Guard Technician Performance Appraisal Plan is to provide a meaningful and efficient method for evaluation of individual technician performance.

#### D-4. APPLICABILITY:

Annex D is applicable to all permanent and indefinite full-time and part-time excepted and competitive technicians of the California National Guard. This plan does not apply to temporary technicians.

#### D-5. BASIC REQUIREMENTS:

- a. Written critical job elements/performance indicators must be established for all positions.

b. Technicians will be informed of their critical elements/performance indicators within 30 days of employment, reassignment, promotion, change to lower grade, detail (over 180 days in duration), etc.

c. Technicians must be periodically provided feedback throughout the performance period on how well they are performing in accordance with their critical elements/performance indicators. One progress review is required during each appraisal period. To the maximum extent possible, progress reviews shall be informative and developmental in nature and shall focus on how to improve future performance. All counseling sessions will be recorded on the NGB Form 904-1.

d. The results of the Technician Performance Appraisal Report will be used as a basis for training, reassignments, determining pay increases, within grade step increases, promotions, removals, and if applicable, as a basis for assisting technicians in improving unacceptable performance.

e. Actions to reassign, reduce in grade, or remove based on unacceptable performance may be taken only after a technician has been given a 30 day written notice.

f. A State Review and Appeals Board will be established to review and resolve disagreements over technician performance appraisal reports.

#### **D-6. DEFINITIONS:**

a. *Report Period:* The period of time, one year but not less than 180 days under a single supervisor, for which the technician's performance will be appraised. For all technicians, the report period will be the last day of his/her birth month of each year.

b. *Rating Official:* The supervisor responsible for the technician's performance, for establishing critical elements and performance indicators, for counseling the technician on the critical elements of the job, and for appraising the technician based on the pre-established mutually understood critical elements and performance indicators.

c. *Approving Official:* The supervisor in the technician's chain of command who is at a higher level than the rating official. This supervisor is the approving official for the Technician Performance Appraisal Reports rated fully acceptable and unacceptable, and may recommend personnel decisions and actions resulting from the Technician Performance Appraisal Report.

d. *Technician Performance Appraisal Report:* (See Enclosures 1 and 2 at the end of the annex.) The Technician Performance Appraisal Report consists of the following parts.



(1) *Part I - Critical Job Element:* Any component of a technician's duties that is of sufficient importance that performance below the minimum standard established by management requires remedial action and denial of a within-grade increase, and may be the basis for removing or reducing the grade level of the technician. Such action may be taken without regard to performance on other critical job elements.

(a) *Part I - Performance Indicators:* A statement of the performance expectations or requirements necessary for achieving the critical results of the position. Performance indicators include quality, teamwork, and customer service measures.

(b) *Part I – Rating:* At the end of the rating period each critical element (combined with applicable performance indicators) are annotated either fully successful or unacceptable.

(2) *Part II - Progressive Review:* A discussion among rating official and technician held six months into the report period to review the technician's progress toward achieving critical elements/performance indicators, make any necessary revisions and consider any developmental needs or required performance improvements.

(3) *Part IIA - Probation Report:* Used to recommend retention or recommend non-retention during the probation period.

(4) *Part III - Summary Rating:* The rating (Fully Successful, Unacceptable) assigned to describe the technician's overall performance.

(a) *Unacceptable Performance:* Performance of a technician that fails to meet performance indicators in one or more critical job elements of the technician's position.

(b) *Fully Successful:* Performance of a technician that meets critical elements/performance indicators of a technician's position.

(5) *Part IV - Certification:* Signatures of rating official and technician when critical elements/performance indicators are established at the beginning of the rating period. Signatures of rating official, approving official, and technician when Technician Performance Appraisal Report is completed.

## **D-7. RESPONSIBILITIES:**

a. The Adjutant General is responsible to ensure that all aspects of the California National Guard's performance appraisal plan are within the guidelines of the Code of Federal Regulations (CFR), Office of Personnel Management (OPM), National Guard Bureau (NGB) and Department of Defense (DOD). The Adjutant General has delegated the responsibility to manage the program to the Directorate for Human Resources.

b. *The Directorate For Human Resources Is Responsible For:*

- (1) Administering the Technician Performance Appraisal Plan within the State.
- (2) Providing advice and assistance to supervisors/managers during the appraisal process.
- (3) Ensuring that all supervisors of California National Guard Technicians complete and forward critical elements/performance indicators of all technicians to the Directorate for Human Resources.
- (4) Ensuring that all supervisors of National Guard technicians complete and forward a Technician Performance Appraisal Report at least annually on each technician.
- (5) Reviewing completed Technician Performance Appraisal Reports for timeliness, completeness, and conformance with regulatory requirements.
- (6) Ensuring that necessary personnel actions or decisions based on the Technician Performance Appraisal Report evaluations are carried out.
- (7) Appointing a State Review and Appeals Board when necessary.

c. *Supervisors (Rating Officials) Will:*

- (1) Establish written critical job elements/performance indicators for each position. These critical job elements should be consistent with the duties and responsibilities covered in the technician's position description. A copy of the established critical elements and performance indicators will be provided the technician and the Directorate of Human Resources.
- (2) Personally inform technicians of the level of performance required for a fully successful Technician Performance Appraisal Report.
- (3) Appraise performance on a continuing basis and keep technicians informed as to how their performance compares to the established critical job elements/performance indicators.
- (4) Guide guidance and assistance to each technician as necessary on how performance can be improved.
- (5) Ensure that each National Guard technician receives a Technician Performance Appraisal Report annually, and in a timely manner.

(6) Coordinate the Technician Performance Appraisal Report with the approving official for signature, prior to discussion with the technician.

(7) Ensure that technicians are informed of their appeal rights and the process for filing an appeal based on performance. Ensure that each technician receives a copy of the Technician Performance Appraisal Report.

*d. Approving Officials Are Responsible For:*

(1) A comprehensive review of the Technician's Performance Appraisal Report, to include discussion with the supervisor (rating official).

(2) Approving or recommending personnel actions and decisions resulting from the Technician Performance Appraisal Reports in accordance with established procedures.

(3) Approving fully successful and unacceptable summary ratings.

*e. Technicians Are Responsible For:*

(1) Participating in the development of critical job elements and performance indicators.

(2) Advising their supervisor of the need, if necessary, to revise performance indicators and critical job elements during the appraisal period.

(3) Requesting clarification of any critical job element/performance indicator of the job if not clearly understood.

(4) Identifying work problems and cooperating with the supervisor resolving any problems, advising the supervisor on special factors and circumstances that should be considered in the appraisal process, and discussing objectives for improving job performance.

(5) Participating actively with the supervisor during discussions of performance through the appraisal period.

#### **D-8. TECHNICIAN PERFORMANCE APPRAISAL REPORT (SEE ENCLOSURES 1 AND 2 AT THE END OF THE ANNEX).**

a. *At the beginning of the report period*, each supervisor will, with technician participation, identify critical job elements and performance indicators. Although technicians will participate in this process, final determinations will be made by the immediate supervisor with the concurrence of the approving official. Written critical elements need to be as precise as possible. Critical job elements will be updated to reflect significant changes in a position at anytime during the report period. A Technician Performance Appraisal Report, completed CALNG Form 430 Part I, will be given to the technician at the beginning of the report period, and as changes occur. A copy of the Technician Performance Appraisal Report must be forwarded to the Director for Human Resources (CAJS) for inclusion in the Employee Performance File (EPF).

b. *Identification of Technician Critical Elements*: Identification of critical job elements is accomplished through an analysis of the duties and responsibilities of each technician's job. The position description along with organizational goals and objectives are first identified, then specific duties and responsibilities are selected. Important project assignments that contribute to the goals and objectives for which the technician will be held responsible, should be included as these are considered critical elements. Sources of information that may be helpful in identifying critical elements are: job descriptions, mission and function statements, inspection reports, and locally developed performance requirements. The official position description will be used. Job elements may be added, deleted, or changed in consultation with the technician during the appraisal period.

c. *Performance Indicators*: Performance indicators are generic: quality, teamwork, and customer service. These indicators must be identified and applied to critical elements. Performance indicators tell the rating official and technician what is important to successful performance in each critical element. Additional performance indicators, with explanations, may be added in the space provided at the end of each performance indicator section. At the end of the reporting period, the rating official must evaluate how well the technician performed in all three areas (quality, teamwork, and customer service) and incorporate that information into the overall rating for each critical element.

d. *The Critical Elements/Performance Indicators* should be realistic and attainable and should present a challenge to the technician. To attain this objective, the plan needs to be consistent with the grade level and duties of the position. When the critical elements/performance indicators cannot be expressed in terms of quality, customer service and teamwork, they may be stated in terms of expected results or method of performance.

e. *Requirements for Supervisors/Managers.* Critical elements and performance indicators for supervisors and managers should reflect organizational as well as individual duties and responsibilities. Furthering Equal Employment Opportunity (EEO) will be identified as a critical element for all supervisory technicians responsible for appraising the performance of one or more technicians. (See Enclosure 3 at the end of Annex for EEO element that should appear as the critical element.)

f. *At The End Of The Rating Period,* the supervisor will review the technician's performance in relation to the critical job elements and performance indicators. In Part I of CALNG Form 430, after each critical element, circle or check the appropriate rating level for the element. In the event the technician did not have an opportunity to perform a critical element, no rating should be assigned, and the words "NOT RATED", should be written in the appropriate space. NOTE: Regardless of the overall rating, an individual element rating of unacceptable on any critical element will result in an overall appraisal of unacceptable and remedial action will be required. Once critical elements are rated, complete Part III of CALNG Form 430 by assigning the overall rating. If an unacceptable rating is given Part III summary explanation must be completed. Signatures should be obtained in the order on the CALNG Form 430, rating official first, approval official second, and technician last. Supervisors/managers are required to give the technician a copy of the completed Technician Performance Appraisal Report and forward a copy to the Directorate for Human Resources for the Employee Performance Management File (EPMF).

g. *Performance Counseling.* Supervisors will counsel their technicians at a minimum of twice each year. One counseling will be a formal counseling which will be performed six months into the rating period. Supervisors should informally counsel as often as possible. All counseling sessions will be documented with the date and substance of the counseling on NGB Form 904-1, to include technician's initials after the counseling statement. Supervisors will explain the state appeal process to all technicians during performance counseling. Supervisors will limit the subjects covered during performance counseling to performance issues. Should a discipline issue impact on a technician's performance, the supervisor/manager must limit the discussion to the performance portion of that issue. A separately scheduled session will be held to discuss the discipline matter. Disciplinary issues are addressed in Technician Personnel Regulation (TPR) 752.

h. *Trial/Probationary Period Report.* New technicians must be carefully observed and appraised during the trial/probationary period to determine whether they have the qualities needed for permanent government service.

During this period, supervisors should provide specific training, assistance, and guidance to new technicians. Supervisors of technicians serving a trial/probationary period must, no earlier than the end of the 4<sup>th</sup> month and no later than the end of the 10<sup>th</sup> month, submit through supervisory channels to the Directorate for Human Resources, the CALNG Form 430 with Part IIA completed. The immediate supervisor will check the appropriate block to recommend or not recommend retention as a Federal technician, conduct a counseling session with the technician, give the 30 day notice letter of non-

retention if appropriate, annotate the NGB Form 904-1, and obtain the technician's signature, date, rating official's signature, and date on the CALNG Form 430. Upon completion forward a copy to the Directorate for Human Resources, give technician a copy and retain a copy for the supervisor's work folder. Since the evaluation is not considered an official Technician Performance Appraisal Report for the purpose of appeal rights, there are no appeal rights in the first year of employment. If retention is not recommended, the supervisor will forward a SF-52 (Request for Personnel Action) to the Directorate for Human Resources initiating removal. A removal action can be initiated anytime during the trial/probationary period. A technician serving a trial/probationary period will not be given an official Technician Performance Appraisal Report until after completing the required 12 months of Federal service, i.e., (hired 1 July, probationary period report is due not later than 30 April (10<sup>th</sup> month). After the 12<sup>th</sup> month, he/she would then be given an official Technician Performance Appraisal Report.

i. *Progressive Reviews.* One of the primary objectives of the Technician Performance Appraisal Report is to improve communications between the rating official and the technician concerning performance expectations and results. The portion of the CALNG 430 – Part II Progressive Review is to record and document performance discussion between the supervisor and the technician which occur during the annual rating discussion. The progress review is in addition to the initial meeting to develop the critical elements/performance indicators and the annual rating discussion. This six-month review is required for all technicians. This does not eliminate the use of and documentation on the NGB Form 904-1.

j. *Submission of the Technician Performance Appraisal Report.* All National Guard technicians should receive an annual Technician Performance Appraisal Report. This is a requirement and is not at the discretion of the supervisor. Technician Performance Appraisal Reports will be closed out the last day of the technician's birth month. The reports will be due in the Directorate for Human Resources not later than 30 days after the end of the rating period.

k. *Technicians that move from one position to another* will have a closeout Technician Performance Appraisal Report prepared by the losing supervisor. Supervisors who move from one position to another will be required to closeout all Technician Performance Appraisal Report(s) and will develop new performance plans for their new technicians. Losing and gaining supervisors must monitor their technicians' appraisals to ensure compliance with the closeout report system.

l. *Technician's Performance Appraisal Reports While on Detail.* When a technician has been officially detailed to another position either to the same or to a different supervisor for a period covering 180 days or more, critical elements/performance indicators will be established for this position, and the technician's performance while on detail will be appraised.

m. *Records.* Official Technician Performance Appraisal Records are available for review by the technician concerned. These include, but are not limited to, Technician Performance Appraisal Report, trial/probationary period certification. Only individuals directly in the technician's chain of command and those with an official need to know in the performance of their assigned duties will be permitted to review the Technician Performance Appraisal Reports. This applies even after the final action has been accomplished.

#### **D-9. TECHNICIAN PERFORMANCE APPRAISAL REPORT PREPARATION:**

a. Preparation of Technician Performance Appraisal Report is a continual ongoing process. Supervisors may keep notes and documents that show how the technician is performing. Technicians may keep records of special achievements or other actions that clearly show their level of performance during the current rating period.

b. The rating official assigns a summary rating level of unacceptable or fully successful. A summary rating of fully successful means the technician has met/exceeded the performance expectations for each critical element. Narrative comments are not required for this rating but may be included in the space provided on the form.

c. A summary rating of unacceptable means that the technician has not met the performance expectations. Summary ratings of unacceptable require a written explanation specifically describing the performance deficiencies. If more space is needed, attach a sheet of plain paper to the Technician Performance Appraisal Report. The requirement for the 90 day warning letter and the performance improvement plan period have not changed.

d. The certification must be signed and dated at the conclusion of the report period. The rating official will coordinate and acquire a signature on the Technician Performance Appraisal Report by the approving official before discussion of the appraisal with the technician.

e. The technician's signature does not indicate concurrence with the summary rating, only that the technician has received a copy of the summary rating. If a technician declines to sign and date a summary rating, that fact will be noted in the signature block by the rating official and a witness statement will be required in accordance with this plan.

#### **D-10. PRESENTATION:**

a. Supervisors should select a suitable location for the performance counseling. If it is possible, a separate room that is not open to public view should be used. Only the rating official and the technician will be present.

b. The following procedures will be used when presenting a technician with their annual Technician Performance Appraisal Report:

- (1) Discuss the technician's general performance for the rating period.
- (2) Discuss the specific issues covered by the Technician Performance Appraisal Report.
- (3) Allow the technician to read the report.
- (4) Allow the technician an opportunity to ask questions and otherwise comment.

c. When all issues are reviewed, the technician should sign the CAL NG Form 430. The technician and supervisor should review the CALNG Form 430 and performance plan/critical elements will be submitted for the next rating period. A copy of the new Technician's Performance Appraisal Report will be given to the technician and one sent to the Directorate for Human Resources for the official Employee Performance Management File (EPMF).

d. If a technician refuses to sign the Technician Performance Appraisal Report, supervisors will explain that the signature on the form acknowledges receipt of and discussion about the report. The signature does not indicate concurrence. Supervisors will explain the appeal process to all technicians during the performance counseling session. If the technician continues to refuse to sign the report, the supervisor should suspend the discussion until a witness to the presentation of the report can be summoned. Once a witness is present (selected by the supervisor) the supervisor should:

- (1) Indicate to the technician that the person present is only there to witness the presentation of the Technician's Performance Appraisal Report.
- (2) State that a discussion took place between the supervisor and technician regarding the Technician's Performance Appraisal Report.
- (3) Ask the technician to sign the Technician Performance Appraisal Report.
- (4) If the technician refuses to sign, explain the appeal process in Chapter D-12 of this annex.
- (5) Conclude the session and prepare a statement showing that the supervisor presented the Technician Performance Appraisal Report and the technician refused to sign. This statement should be signed and dated by both the supervisor and the witness and any unusual or special circumstances should also be noted. The following is an example:



"I presented SGT John D. Doe, XXX-XX-XXXX, his Technician Performance Appraisal Report for the period XXAPRXXXX to XXMARXXXX on \_\_\_\_\_(Date). SGT Doe refused to sign the report. We, the undersigned, witnessed the presentation of this Technician Performance Appraisal Report.

---

(Issuing Supervisor: Name, Technician Grade, Position Title)

---

(Witnessed by: Name, Technician Grade, Position Title)

e. Technicians that move from one position to another will have a closeout Technician Performance Appraisal Report prepared. Closeout reports will be completed if 180 days has passed since the last performance report. If 180 days have not passed, no closeout report will be required, and the gaining supervisor will include that period when rating the technician at the end of the rating cycle.

#### **D-11. UNACCEPTABLE PERFORMANCE:**

a. *Actions Based on Unacceptable Performance:* Technicians will be periodically reminded of the critical job elements and performance indicators for their positions, and will be informed when their performance is unacceptable performance by counseling, and a written Performance Improvement Plan (PIP) which will include increased supervisory assistance and additional training, etc. These efforts should be in writing and should be documented on the NGB Form 904-1 during a counseling session. However, if the technician's performance in any critical element continues to be unacceptable despite efforts by the supervisor to improve performance, the 90-day warning letter of unacceptable performance should be issued. If improvement does not occur, the unacceptable appraisal should be rendered at the end of the 90-day period. Before initiating an action to reduce in grade or remove a technician based on unacceptable performance, consideration should be given to reassignment to another position for which the supervisor feels the technician is qualified. No personnel action based on unacceptable performance may be initiated until critical job elements and the performance indicators have been identified in writing, the technician has been given a copy of his Technician Performance Appraisal Report, and the technician has been given an opportunity to improve his/her performance.

b. *Requirements.* An action to reduce in grade or remove from employment may be initiated by the technician's supervisor if the technician's performance continues to be unacceptable in one or more critical job elements. The supervisor does not need to wait until the end of the appraisal period to initiate these actions. A technician against whom such an action has been initiated is entitled to:

(1) A minimum 30 day advance written notice of the action to be taken (reduction in grade, reassignment or removal), which identifies the critical job element(s) and instances of unacceptable performance on which the action is based. The 30-day notice is after the improvement period and the 90-day warning letter, which is provided to the technician. The 30-day written notice must be concurred with by an official who is in the next level of the chain of command of the immediate supervisor. This is not a proposed notice, but is a final notice of the action to be taken.

(2) Technicians are entitled to the opportunity to answer orally or in writing to the supervisor or appeal to the State Review and Appeals Board. At the discretion of the Directorate for Human Resources, the effective date of separation or reduction in grade may be extended awaiting final decision of the Board.

(3) If a technician submits a request to his/her supervisor to change an unacceptable Technician Performance Appraisal Report, the supervisor will carefully review the information and advise the technician in writing whether the unacceptable Technician Performance Appraisal Report is sustained or will be changed. A request submitted to the State Review and Appeals Board will be handled in accordance with instructions in Chapter D-12.

c. *Records:* When an action is not initiated, all documentation relating to the unacceptable Technician Performance Appraisal Report will be assembled and placed in the technician's Employee Performance Management File (EPMF).

## **D-12. APPEAL OF TECHNICIAN PERFORMANCE APPRAISAL REPORT:**

a. *Filing an Appeal:* A technician desiring to file an appeal of a Technician Performance Appraisal Report, other than for unacceptable performance, may file an appeal to the State Review and Appeals Board not later than 30 calendar days after the technician receives the Technician Performance Appraisal Report. An appeal based on unacceptable performance must be filed within the 30-day advance written notice period. In reviewing Technician Performance Appraisal Report appeals, the board by majority vote will recommend to The Adjutant General to change the appraisal as requested by the technician or sustain the appraisal without change. The Adjutant General will make the final decision. When reviewing unacceptable Technician Performance Appraisal Reports, the Board will only be concerned with the Technician Performance Appraisal Report; it will not review the personnel action taken as a result of an unacceptable Technician Performance Appraisal Report. All members of the Board must be present at all times and must participate in deciding on a recommendation. A technician has no appeal rights beyond The Adjutant General.

b. *Appeal Processing:* An appeal is submitted to the Directorate for Human Resources. The appeal must be received no later than 30 calendar days after receiving the Technician Performance Appraisal Report. The written request should be in military letter format and should contain the following information:

(1) Name of the Technician.

(2) Organization.

(3) The report being appealed (dates of the report).

(4) Why the appraisal should be changed (if necessary address each job element and indicate the discrepancies).

(5) Date the technician received the notice (date the technician signed the Technician Performance Appraisal Report) or the date the technician received notice of unacceptable performance.

(6) A copy of the Technician Performance Appraisal Report that is being appealed.

When all the necessary information is not available, the technician should submit what is available and state why the other information is not available.

c. *The Directorate for Human Resources will review* all appeals before presentation to the Review and Appeals Board. If there is a possibility for an informal resolution to the appeal, an information meeting between the Directorate for Human Resources, the supervisor, and the technician may be held. Adjustments may be made in the overall appraisal as recommended in this meeting. Any resolution of an appeal decided at this meeting must be agreed to by management and the technician. Changes may be implemented and will require the technician to withdraw the appeal. If a resolution can not be achieved, valid appeals will be forwarded to the State Review and Appeals Board.

d. *A State Review and Appeals Board will be appointed* and consist of three members. No member of the Board will be in the appellant's chain of command. No member of the Board will be in a lower graded position than the appellant. The senior ranking member of the board will act as the Board Chairperson. The Directorate for Human Resources will appoint a recorder.

e. *Board Procedures:* During the proceedings, the Board may admit oral evidence from the technician or the technician's immediate supervisor. The technician and the representative of The Adjutant General will submit information the Board deems pertinent. Such information may be presented orally, by presentation of witnesses, or in writing. In the submission of evidence, both oral and written information may be considered to reach a decision, as long as the technician, and the representative of The Adjutant General are given the opportunity to hear, examine, any reply to the information submitted by the other parties and given an opportunity to question the witnesses. If any of these individuals are absent during the oral presentation, the absentee(s) must be furnished in writing any evidence admitted during their absence. The Board may not use any information to render a recommendation until the technician, the technician's representative (if any), and

the representative of The Adjutant General have had an opportunity to examine and reply. Board members must serve as impartial judges and review each case objectively. They must give consideration to the merits of each case and secure all necessary information. The Board may not receive or consider information not directly related to the matter being considered. Within 15 calendar days, the Board will review and submit their recommendations directly to The Adjutant General. The Adjutant General's decision is the final decision. The technician has no further appeal rights.

## **A-1 IDENTIFYING CRITICAL ELEMENTS, PERFORMANCE INDICATORS, AND CONDUCTING THE PERFORMANCE COUNSELING:**

The appraisal process is more than a once-a-year meeting between supervisor and technician during which performance over the past year is evaluated and recorded on the Technician Performance Appraisal Report. The National Guard Technician Performance Appraisal System requires that the supervisor and subordinate jointly, at the beginning of the report period, review the requirements of the technician's job, identify critical job elements, and identify performance indicators. During the report period, the technician should be kept informed as to how he or she is doing in regards to the established expectations. The final step, the overall Technician Performance Appraisal Report, should be of no surprise to the technician. The following are the major components of the report process:

- a. *Reviewing The Job:* The technician's job, organization, and mission requirements are reviewed and critical job elements are established.
- b. *Setting Performance Indicators:* Specific expected results are identified for each job element.
- c. *Communicating The Technician Performance Appraisal Report:* Each technician should understand exactly what is expected of him or her during the report period. This necessitates periodic review of the technician's performance and a discussion of how he/she is doing in regards to the previously agreed upon Technician Performance Appraisal Report.
- d. *Appraising Technician Performance:* At the end of the report period, performance is discussed with the technician and the summary rating is entered on the CALNG Form 430 (Technician Performance Appraisal Report).
- e. *Recommending Personnel Actions:* The performance approved form may require certain personnel actions.

## **A-2. SETTING THE TECHNICIAN PERFORMANCE APPRAISAL REPORT:**

- a. *Gathering Information:* The technician's position description will be the basic source of information for identifying standards and critical elements of the job. From this and the supervisor's knowledge of workload priorities and mission requirements, the elements of the job can be identified. Job elements are the observable results or end products of the job and not the steps or activities taken to achieve them.

b. *Listing The Critical Elements Of The Job:* After the technician's significant areas of responsibility have been identified, they should be written in Part 1 of CALNG Form 430. The appropriate performance indicators should be assigned to each job element.

c. *Assuring Suitability Of Job Elements:* To assure that job elements are suitable, supervisors should be able to answer yes to the following questions:

- Are the elements all-inclusive and understandable? Is the total job covered?
- Do the elements refer to work activity under the technician's control?
- Are the elements appropriate for the technician's series and grade?
- Are the elements clear and specific?
- Are the elements derived from the overall mission of the organization? Are they compatible with and supportive of results assigned to other organizations in your directorate or branch?

d. *Determining Critical Elements:* A critical element of the job is significantly important that performance below the minimum established standard for the job element outweighs successful or better performance on other elements and requires remedial action and denial of a within-grade increase. It may be the basis for removing, reassigning or reducing the grade level of the employee.

e. *Assuring Critical Elements Are Critical:* As a means of checking whether critical elements are really critical, supervisors should be able to answer yes to the following questions:

- Are you willing to recommend the demotion or removal of the technician if the performance plan for this element is not met?
- Will substandard performance of this element really affect mission accomplishment?
- Is there at least one critical element established for this job?

f. *Identifying Performance Indicators:* After the technician's critical elements have been established, performance indicators must be identified. Performance indicators are generic: quality, teamwork, and customer service performance measures. Performance indicators tell the rating official and technician what is important to successful performance in each job element. Additional performance indicators may be added with an explanation. Performance indicators may apply to more than one or all-critical elements.

g. *Assuring Completeness Of The Technician Performance Appraisal Report:* To assure completeness of the performance plan, supervisors should be able to answer yes to the following questions:

- Are tasks clearly and simply stated and do they cover all critical duties?
- Does the critical elements/performance indicators clearly show how well (qualify), how soon (timeliness), and in what manner each task should be performed? Where feasible, are work units used so they allow a reasonable margin or tolerance?
- Does the critical elements/performance indicators truly reflect successful performance? Are they attainable? Can they be exceeded?
- Will adequate performance as shown in the critical elements/performance indicators produce the required results?
- Does the critical elements/performance indicators clearly reflect management's requirements in terms of observance of rules, regulations and safety responsibilities?
- Are the critical elements/performance indicators written so that unacceptable performance can be identified and remedial actions justified?
- Were all tasks and performance indicators discussed with the technician(s) before arriving at a decision? Have the critical elements and performance indicators been discussed with the next level of supervision to insure that they are in line with other office or units in the organization?
- Does the critical elements and performance indicators for supervisory jobs reflect such required factors as leadership, decision making, planning and organizing, managing positions, selecting and assigning technicians, training/developing subordinates, using incentives, maintaining technician management communications, administering management communications, administering constructive discipline, administering leave, and promoting safety and EEO?

### **A-3. CONDUCTING THE PERFORMANCE APPRAISAL REPORT:**

a. *Performance Counseling:* Supervisors should frequently praise and encourage technicians who are meeting objectives, and assist technicians who are not. Supervisors should never wait until the formal Technician Performance Appraisal Report (end of the report period) to tell a technician that performance was not acceptable; the technician should be told of a problem as soon as the supervisor is aware of one.

b. *Performance Counseling Should:*

- Focus discussion on behavior rather than the person.

It is important that supervisors discuss what the technician does rather than what the technician is.

- Focus discussion on observations rather than opinions. Observations refer to what you can see or hear in the behavior of the technician ("You or hear in the behavior of the technician ("You hesitated for several minutes before making your presentation" as compared to the opinion that "You don't seem to know your subject"). Opinions "You don't seem to know your subject"). Opinions and/or conclusions about a technician contaminate observations, thus clouding the feedback. When an opinion is offered, and it may be valuable to an opinion is offered, and it may be valuable to do this sometimes, it is important that it be identified as an opinion.

- Focus performance report discussion at the appropriate time. Because receiving and using feedback may involve possible emotional reactions, it is important for the supervisor to be sensitive to the right time and place to give an evaluation. Successful performance information given at an inappropriate time may do more harm than good.

c. *Technician Performance Appraisal/Discussion:* The goal of the Technician Performance Appraisal Report discussion is mutual understanding of actual performance results by the technician (in comparison with the supervisor's expectations as stated in the established performance plan) and future actions for future improvement. These include: specific efforts to improve performance in areas of identified weakness; identification of training and developmental activities, both short-term and long-term, to remedy deficiencies and/or expand skills and knowledge for career growth. Review the job elements and performance indicators to insure currency and to establish performance goals for the next year. There are four basic requirements for a successful Technician Performance Appraisal Report discussion:

(1) *Adequate Preparation:* This should be a natural result of the Technician Performance Appraisal Report process and the establishment of a record of performance history throughout the appraisal period.

(2) *Adequate Time:* The discussion should be scheduled in advance, far enough ahead to enable the technician to be adequately prepared for the discussion. Also, there should be enough time allotted for the meeting so that an unhurried discussion can take place. (Remember – the outcome of this meeting could be very important to the technician's career).

(3) *The only people present at the discussion* should be the supervisor and the technician being rated; the supervisor should insure that the meeting is not interrupted by visitors or telephone calls.



(4) *Objectivity*: Clearly, no one is or can be absolutely objective – but the use of a well-developed performance plan should greatly aid the supervisor in this regard. The greater the degree of objectivity in the Technician Performance Appraisal Report, the greater the degree of acceptance by the technician. Knowledge of the performance objectives to be achieved and of current performance in comparison with desired performance objectives will enhance objectivity.

# Enclosure 2-1

TECHNICIAN PERFORMANCE APPRAISAL REPORT	
<b>RATEE IDENTIFICATION DATA</b>	
Technician Name	SSAN Title/Series/Grade
Duty Location	Rating Period
<b>PART I. CRITICAL ELEMENTS (list no more than five)</b>	<b>Rating (Check appropriate Level)</b>
A.	<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
B.	<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
C.	<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
D.	<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
E.	<input type="checkbox"/> Fully Successful <input type="checkbox"/> Unacceptable
Performance Indicators: Check the applicable Critical Element Letter(s)	
<b>G. Quality</b>	ALL A B C D E
<b>1. Knowledge of Field or Profession</b> Maintains and demonstrates technical competence and or expertise in areas of assigned responsibility.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>2. Accuracy and Thoroughness of Work</b> Plans, organizes and executes work logically. Anticipates and analyzes problems and determines appropriate solutions. Work is correct and complete.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>3. Soundness of Judgement and Decisions</b> Assesses tasks objectively, researches and documents assignments carefully. Weighs alternative courses of action considering implications. Makes and executes timely decisions.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>4. Effectiveness of Written Documents</b> Written work is clear, relevant, concise, well-organized, grammatically correct and appropriate to audience.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>5. Effectiveness of Communications</b> Presentation meets objectives, is persuasive, tactful and appropriate to audience. Demonstrates attention, courtesy, and respect for all other points of view.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>6. Timeliness of Meeting Deadlines</b> Completes in accordance with established deadlines.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>7. Effectiveness of Supervision</b> Directs and coordinates activities of unit, assuring deadlines are met. Coaches, counsels, develops, and utilizes staff effectively, demonstrating a communicant to the work force.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>8. Other (specify)</b>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

## Enclosure 2-2

T - Teamwork	
<b>1. Participation</b> Willingly participates in group activities, performing in a thorough and complete fashion. Communicates regularly with team members. Seeks team consensus.	ALL A B C D E <div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
<b>2. Leadership</b> Provides encouragement, guidance and direction to team members as needed. Adjusts style to fit situation.	<div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
<b>3. Cooperation</b> Supports team initiatives. Demonstrates respect for team members, accepts the views of others, and actively supports team decisions.	<div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
<b>4. Other (specify)</b> <div style="height: 20px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
C - Customer Service	
<b>1. Quality of Service</b> Delivers high quality products and service to both external and internal customers. Initiates and responds to suggestions for improving service.	ALL A B C D E <div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
<b>2. Timeliness of Service</b> Delivers quality products and services in accordance with time schedules agreed upon with customers.	<div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
<b>3. Courtesy</b> Treats external and internal customers with courtesy and respect. Customer satisfaction is high priority.	<div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
<b>4. Other (specify)</b> <div style="height: 20px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px; margin: 0 auto;"></div>
PART II. PROGRESSIVE REVIEW	
Date of review and signature of technician and Rating Official. Six (6) month review required. This does not replace the requirement to record on NGB 904-1.      DATE _____	
Rating Official Signature _____ Technician Signature _____	
PART IIA. PROBATION REPORT	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Recommend Retention         </div> <div style="width: 45%;"> <input type="checkbox"/> Recommend Non-Retention         </div> </div>	
Rating Official Signature: _____ Technician Signature: _____	
Date Signed: _____ Date Signed: _____	
PART III. SUMMARY RATING	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Fully Successful         </div> <div style="width: 45%;"> <input type="checkbox"/> Unacceptable (Requires a summarization in the space below of the basis for the rating, if additional space is needed use page 3 of this form).         </div> </div> <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>	

# Enclosure 2-3

PART IV. CERTIFICATION			
Technicians Signature certifies review and discussion with the Rating Official. It does not indicate concurrence with the information on this form.			
Critical Elements/Performance Indicators (Sign when established/updated)		Technician Performance Appraisal Report (Sign when rating is complete)	
Rating Official	Date	Rating Official	Date
Technician	Date	Approving Official	Date
		Technician	Date
<div>(Additional Remarks)</div>			

**GUIDELINES FOR APPRAISING SUPERVISORS  
AND MANAGERS ON THEIR PERFORMANCE IN EEO**

1. Performance plans for furthering Equal Employment Opportunity are appropriate to the technician's position and should be stated in terms of visible affirmative efforts. Therefore, the following guidelines should be used when appraising managers and supervisors on their performance in EEO.

a. Has the manager/supervisor communicated to all subordinates in writing his/her commitment to EEO and what is expected from each member of the workforce.

b. Has the manager/supervisor discussed the State EEO Affirmative Employment Plan with subordinates and solicited recommendations for implementation, modification, or improvement?

c. What specific actions has the manager/supervisor taken to identify and eliminate barriers to the employment and advancement of minorities and women?

d. Does the manager/supervisor have a written plan, including goals and timetables to address identified problem areas within his/her workforce?

e. Has the manager/supervisor conducted a survey among the workforce to identify those unused/underused mission-related skills that would qualify the technician for a higher level position or a position with known potential for advancement?

f. Does the manager/supervisor maintain a current file of the unused/underused skills among the workforce?

g. Does a review of the manager's/supervisor's decisions relative to selection, training, and awards indicate that full consideration is being given to all technicians, including minorities and women?

h. What actions has the manager/supervisor taken to provide upward mobility opportunities for eligible technicians in the workforce?

i. Has the manager/supervisor ensured that the complaints processing poster (NGB 713-4) is posted on the bulletin board?

j. What specific affirmative steps, including setting a personal example, has the manager/supervisor taken to assure the acceptance of all technicians, including minorities and women?

k. Does the manager/supervisor maintain records that show formal EEO training of all subordinate managers/supervisors including both initial and updated orientation?

I. does the record indicate that the manager/supervisor assigns like penalties for like offenses regardless of race, color, religion, sex, national origin, age, or other nonmerit factors?

The following task will appear in Part I CAL NG Form 430 as a critical task:

**‘COMMUNICATES TO SUBORDINATES THE COMMITMENT TO EEO AND WHAT IS EXPECTED OF EACH TECHNICIAN. CORRECTS SITUATIONS THAT MAY CREATE COMPLAINTS OF DISCRIMINATION AND ELIMINATES BARRIERS TO THE ADVANCEMENT OF WOMEN AND MINORITIES’**

## ANNEX E

### INCENTIVE AWARDS PROGRAM

#### E-1. PURPOSE OF PROGRAM:

The Incentive Awards Program is designed to motivate technicians and active military members of the National Guard to increase productivity and creativity and to achieve greater efficiency, economy, and improvement of operations. It provided a method for rewarding those whose job performance and ideas are substantially above normal job requirements and performance standards, and provides for consideration of performance contributions throughout the National Guard and the Federal Government. The Incentive Awards Program will be endorsed and vigorously supported by all levels of management, and will be administered entirely on the basis of merit without regard to age, sex race, color, religion, national origin, marital status, or physical or mental handicap.

#### E-2. PROGRAM RESPONSIBILITIES:

a. *The Chief, National Guard Bureau.* The Chief, National Guard Bureau is responsible for the overall administration, improvement, and evaluation of the National Guard Incentive Awards Program. This responsibility has been delegated to the Directorate for Human Resources (NGB-HR).

b. *The Adjutant General.* The Adjutant General is responsible for: (1) assuring compliance with program requirements, (2) establishing a State Incentive Awards Program Committee, (3) promoting and supporting the Incentive Awards Program, and (4) maintaining an adequate budget to assure prompt action on awards and effective promotion and publicity.

c. *Directorate for Human Resources.* The Directorate for Human Resources is delegated responsibility for:

(1) Administering and publicizing the Incentive Awards Program.

(2) Providing advice, assistance, and training to supervisors on effective use and participation in the program.

(3) Providing training and orientation to all technicians and military members on how they may earn awards.

(4) Preparing required reports.

(5) Providing documentation to Defense Accounting and Finance Center (DFAS) Denver, Colorado for payment of cash awards and insuring appropriate publicity.

(6) Assisting The Adjutant General in the establishment of the State Incentive Awards Program.

(7) Ensuring that technicians and active military members are kept informed regarding their participation in the Incentive Awards Program.

(8) Determining requirements for technical evaluations of suggestions and ensuring evaluation within prescribed time limits.

(9) Referring those suggestions that appear to be inventions for patent investigations.

(10) Ensuring that all suggestions and nominations meet eligibility requirements.

(11) Ensuring an exchange of information throughout the National Guard and other Federal agencies when adopted suggestions may have wider application.

(12) Obtaining necessary coordination on nominations for cash awards.

(13) Evaluating the total Incentive Awards Program and developing feedback to management, technicians, and active military members.

d. *Supervisors.* Supervisors are responsible for:

(1) Providing support for and participating in the Incentive Awards Program.

(2) Exercising care in considering award recognition. Although there should be a linkage between the Technician Performance Appraisal Report, this does not mean awards will be automatic.

(3) Determining what type of recognition will best motivate the technician to greater productivity, by matching recognition to performance; e.g., granting a within-grade increase; selecting for promotion; giving cash awards for special acts; recommending an Sustained Superior Performance or Quality Step Increase; or granting honorary awards, commendations, or letters of appreciation.

(4) Ensuring that awards for special acts or services are recognized immediately, and that all award presentations are conducted in a timely manner.



e. *Commanders, Directorate Staff and Supervisors.* Responsibilities may include the following:

(1) Reviewing and making recommendations to the Deputy Adjutants General on nominations for cash and honorary awards.

(2) Assisting the Directorate for Human Resources in the review of suggestions and requests for reconsideration of disapproved suggestions.

(3) Considering a supervisor's effective use of the awards program to be a consideration in granting them performance awards, letters of commendation, or other appropriate recognition.

(4) Reviewing program results to assure that all awards are granted equitably, and on the basis of merit.

(5) Ensuring that all awards presentations are conducted in a timely manner.

### **E-3. SUGGESTIONS:**

a. *Suggestion Requirements.* A suggestion must meet the following requirements: (1) Is submitted in writing before or within 90 days after the date the suggestion is adopted; (2) Involves a proposal that is original to the National Guard as a whole; (3) Does not substantially duplicate a suggestion already under consideration or a suggestion for which the ownership rights have not expired; (4) Is outside the suggester's job responsibilities or, if within, are so superior that it warrants special recognition.

b. *Submitting Suggestions:* Suggestions will be submitted on NGB Form 6, Suggestion (See Enclosure 2 at the end of the annex), in legible handwriting or typewritten. The suggester must give an outline of the specific area for improvement, state the potential workable solution in detail, and give the benefits that can be expected. More than one solution may exist, but the suggester should cite enough potential benefits to warrant a change. All information available to the suggester (stock number, form title, numbers of parts, type of aircraft, address of Office of Primary Responsibility (OPR) (if known), photographs, sketches, drawings, blueprints, mockups, etc.) must be listed on the NGB Form 6 with originals attached. The suggester must ensure that classified material is properly controlled. If the suggestion pertains to matters under the jurisdiction of the suggester's supervisor, the suggester may give the suggestion to the supervisor for review and discussion and forward to the Directorate for Human Resources. Although optional, this means of submission is widely encouraged for its mutual benefit to the suggester and the supervisor. If the suggester does not elect to use supervisory channels, the suggestion may be forwarded directly to the Directorate for Human Resources.

*c. Suggestions Evaluating Procedures:*

(1) Each suggestion received in the Directorate for Human Resources will be checked against current award files for duplication. The NGB Form 6 will be assigned a control number and identified as a technician or military suggestion. The Directorate for Human Resources will ensure that each suggestion is signed and that notification of receipt is sent to the suggester. If a suggestion is incomplete or not considered legible, it will be returned to the suggester with an appropriate explanation.

(2) Suggestions that are accepted will be processed as follows:

(a) Suggestions will be sent, with an established suspense date, to the National Guard Bureau Office of Primary Responsibility for investigation, evaluation, and recommendation regarding adoption or non-adoption. Suggestions will be evaluated on NGB Form 7 (Suggestion Evaluation) (See Enclosure 3 at the end of the Annex), with full consideration given to any developments directly attributed to the suggestion. When an evaluation cannot be complete within 45 workdays after receipt of the suggestion, the Directorate for Human Resources will inform the suggester of its status, and furnish subsequent progress reports including reason(s) for any extended evaluations. National Guard Bureau Office of Primary Responsibility will review suggestions for duplication of those currently under consideration or of others received during the previous year.

(b) When a suggestion is determined by the National Guard Bureau Office of Primary Responsibility to require modification or updating of aircraft, systems, or equipment, it must be converted to the appropriate format and processed as a modification request/equipment improvement recommendation and be submitted through appropriate channels. Once the National Guard Bureau Office of Primary Responsibility makes such a determination, that office holds the suggestion in abeyance until that channel of processing is complete. A suggestion may not be processed under the provisions of this regulation until final approval of the modification or updating change is received and documented as to date and method of implementation and benefits to be derived. To facilitate finalization of the suggestion and ensure proper credit for any resulting changes, the modification request/equipment improvement recommendation should state: "This action is the result of Suggestion (identifying symbol and number, date, and name of suggester)". If adopted, the National Guard Bureau Office of Primary Responsibility will provide a completed NGB Form 7 reflecting proper credit of the source of the original idea.

(c) When a suggestion is within the authority of the evaluator to adopt and is considered useful and practical, the NGB Form 7 will state how and when the suggestion could be placed into operation and an estimate of the annual savings and benefits, together with an explanation of the method used in making the determination. The National Guard Bureau Office of Primary Responsibility will evaluate tangible and/or intangible benefits in accordance with Enclosure 1 at the end of the Annex. The National Guard Bureau Office of Primary Responsibility will return the suggestion to the Directorate for Human Resources with recommendation as to the level of adoption. When the sug-

gestion is recommended for implementation, the Directorate for Human Resources will forward the original suggestion to NGB-HR for processing.

(d) When a suggestion is not within the authority of the evaluator to adopt and is considered useful and practical, the National Guard Bureau Office of Primary Responsibility will return the NGB Form 7 to the Directorate for Human Resources who will forward the suggestion to NGB-HR for processing.

(e) A suggestion that is not considered useful or practical may be rejected at any level. The Directorate for Human Resources, in coordination with the National Guard Bureau Office of Primary Responsibility, should not forward suggestions to NGB-HR unless they are considered to be fully useful and beneficial improvements. If the evaluator is uncertain of the suggestion's value, the suggestion should be returned to the Directorate for Human Resources for further action. If the suggestion is not recommended for adoption, the National Guard Bureau Office of Primary Responsibility will return the suggestion to the Directorate for Human Resources with an appropriate explanation.

(f) Suggestions received by NGB-HR will be given an NGB number and sent to the appropriate National Guard Bureau Office of Primary Responsibility for evaluation. States will be informed of the status of a suggestion and notified of any extended delays. Once an evaluation is completed, states will be advised of the approval or disapproval of the suggestion along with a copy of the evaluation. Approvals will also provide cash award information, if appropriate.

d. *Suggestion Requests For Reconsideration:* A suggester may submit a request to the Director for Human Resources for further consideration of a disapproved suggestion, if the suggester provides additional material, information which is designed to clarify significant issues, and findings that an adopted suggestion has a wider application than was originally determined, etc.

e. *Authority To Grant Awards For Suggestions:* The Chief, National Guard Bureau, is authorized to approve cash awards up to and including \$10,000 (individual or group) for suggestions resulting in tangible/intangible benefits or a combination of both. National Guard Bureau-Human Resources will forward recommendations for cash awards in excess of \$10,000 through the appropriate military service secretary for submission to the Office of Personnel Management for technicians and to the Secretary of the service concerned for active military members of the National Guard. Awards for approved suggestions will be processed on a SF-50 (Notification of Personnel Action) and submitted to the Defense Finance and Accounting Office, Denver, Colorado, for payment.

f. *Suggestion Award For Tangible Benefits:* A cash award for tangible benefits is granted on the basis of actual or estimated savings during the first full year of operation. (See Enclosure 1 at the end of annex). An adopted suggestion with less than \$250 in benefits will be recognized by a Letter of Appreciation.

g. *Suggestion Award For Intangible Benefits:* By their very nature, awards in this category are recommended on the basis of judgment rather than precise facts or calculations. Therefore, it is important that suggestions be reviewed in light of their intrinsic merit and all relevant precedents, and that adoption of suggestions and approval of cash awards be fair and as consistent as possible. (See Enclosure 1 at the end of the annex).

h. *Ownership Rights Of The Suggester:* The suggester retains "ownership" of an idea during its evaluation and for one year after the date of the final action (date of approval of an award or written notification of non-adoption).

i. *Payment of Suggestion:* Upon approval receipt in the Directorate of Human Resources, a SF-50 (Notification of Personnel Action) will be prepared and submitted to the Defense Finance and Accounting Office, Denver, Colorado, for payment.

#### **E-4. PROCESSING INVENTIONS:**

a. Inventions are a new and useful process, machine, or other item that may be patentable under the patent laws of the United States. If adopted, inventions submitted as suggestions, or in connection with scientific achievements, are eligible for cash awards. By law, if an invention is published or used publicly, or an article embodying it is sold or is placed on sale more than one year before filing of a patent application in the U.S. Patent and Trademark Office, a U.S. Letters Patent may not be granted. Therefore, to protect the rights of the Government and the inventor, any suggestion or other contribution that appears to be an invention must be promptly sent to NGB-HR for review and processing. National Guard Bureau-Human Resources will forward the suggestion, or scientific achievement that incorporates the invention, to the Patents Division of the Departments of the Army or the Air Force Judge Advocate General.

b. *Invention Awards:*

(1) The Judge Advocate General's office will determine whether the contribution is an invention, what the inventor's rights are, and whether they will process the invention for patenting. After processing, the invention will be returned to NGB-HR with the following considerations:

(a) An award of \$100.00 in addition to any award that might have been paid for the suggestion or scientific achievement to the inventor and, if applicable, to each joint inventor following a determination that the invention was made under circumstances that give the Government at least a license under the invention pursuant to the provisions of EO 10096, and the inventor voluntarily consents to the granting of at least a nonexclusive irrevocable and royalty-free license in the invention to the Government with power to grant licenses for all Governmental purposes.

(b) An award of \$300.00 (to be shared equally when the invention is made by joint inventors) upon the issuance of a patent.

(2) Upon notification from the appropriate Judge Advocate General Office that an invention has been approved for implementation, NGB-HR will notify the Directorate for Human Resources to arrange for payment of a cash award based on benefits to the Government. When an invention award is paid, the inventor must complete the required forms acknowledging the payment of the award. When the inventor accepts an award based upon the approved invention, the acceptance will constitute waiver of any claim against the Government. Cash awards for inventions will be processed on a SF-50 (Notification of Personnel Action) and sent to the Defense Finance and Accounting Office, Denver, Colorado, for payment.

#### **E-5. SPECIAL ACT OR SERVICE AWARD:**

a. *General:* A special act or service award is a monetary award paid to technicians in recognition of an act of heroism, or similar one-time special act, service, or scientific achievement that contributes to the efficiency, economy, or other improvement of Government operations or is otherwise in the public interest. The act, service or scientific achievement may or may not involve measurable monetary benefits and may include an individual or group of individuals. Active military members may only receive a special act or service award for scientific achievements.

b. *Award Processing:* A supervisor (technician/military) having a direct knowledge of the special act or service should initiate the nomination immediately on an NGB Form 32 (Recommendation for Incentive Award or Quality Step Increase) and forward to the Directorate for Human Resources for processing. All nominations must be submitted within 20 calendar days after the special act or service. Awards will be computed in accordance with Enclosure 1 at the end of the annex. The approved NGB Form 32 is then submitted to the Defense Finance and Accounting Office, Denver, Colorado, for payment.

#### **E-6. SUSTAINED SUPERIOR PERFORMANCE AWARD (SSP):**

a. *General:* A Sustained Superior Performance is a monetary award in recognition of significant superior performance of duties and responsibilities that clearly exceeds the technician's assigned position requirements.

b. *Eligibility:* Sustained superior performance on which the award is based must have been maintained for at least 6 months and in the same job and grade level, unless the technician was demoted during the period for reasons other than cause. Award eligibility will not be affected by position changes occurring after the period covered by the recommendation. However, an SSP is not appropriate if a technician is about to receive or has recently received a promotion. A CAL NG Form 430 (Technician Performance Appraisal Report) which is within 364 days of the date of submission of the NGB Form 32 (Recommendation for Incentive Award or QSI) must be on file with the Directorate for Human Resources or included with the NGB Form 32. National Guard Bureau Form 32's received in the Directorate for Human Resources for an SSP Award that does not have a Technician Performance Appraisal attached or on file will not be processed until a CAL NG

Form 430 has been received in the Directorate for Human Resources.

c. *Procedures and Approval Authority:* The technician's immediate supervisor is responsible for initiating the nomination, using NGB Form 32 (See Enclosure 4 at the end of the Annex). After review by the Air Commander/Director, the NGB Form 32 will be forwarded to the Directorate for Human Resources. The Directorate for Human Resources will forward the NGB Form 32 to the appropriate Deputy Adjutant General for approval. Upon approval, the Directorate for Human Resources will process to the Defense Finance and Accounting Office, Denver, Colorado, for payment. If the NGB Form 32 is disapproved, the NGB Form 32 will be returned through supervisory channels to the nominating official with an explanation.

d. *Amount Of Award:*

(1) Technicians may be awarded 1-10% of base salary.

(2) If the Air Commander or Director feels that a technician performed his/her duties in a highly outstanding manner and made such significant tangible and/or intangible contributions to the organization and to the Government, an award of 11-15% may be warranted. These cases will be forwarded to NGB-HR on a NGB Form 32 for review and approval. National Guard Bureau, Human Resources (NGB-HR) requires copies of the technician's appraisal(s), and any other awards the technician may have received. A letter must be prepared to include a narrative justification describing how the technician's outstanding performance of duties and special achievements are deserving of an award over 10%.

(3) Once all recommendations have been approved, the Directorate for Human Resources will submit the SSP to the Defense Finance and Accounting Office, Denver, Colorado, for payment.

e. *Effective Date and Presentations:* Approved SSP's are effective the beginning of the next regular pay period following the date of final approval. Approved SSP's should be presented at an appropriate ceremony.

#### **E-7. QUALITY STEP INCREASES (QSI's):**

a. *General:* Quality Step Increases (QSI's) should be used as a recognition of service that significantly exceeds high quality job performance by General Schedule technicians and supervisors. A QSI is not to be repeated on a purely automatic basis, but should clearly show that the technician's performance is deserving of such recognition.

b. *Eligibility:* As a minimum, a period of high quality performance for this award is 6 months in the same job and grade level. To be eligible for a QSI, the technician's overall performance must have been fully acceptable. Performance must also be expected to continue at the same level of effectiveness. By statute, Federal Wage System (FWS) (WG, WL, WS) technicians are not authorized QSI's.

c. *Procedures:* The technician's immediate supervisor is responsible for initiating the nomination on an NGB Form 32. The immediate supervisor must certify that, based on past experience, it is believed the technician's high quality of performance is likely to continue. Upon approval, the NGB Form 32 will be submitted to the Defense Finance and Accounting Office, Denver, Colorado, for payment.

d. *Effective Date and Presentations:* Approved QSI's are effective at the beginning of the next regular pay period following the date of final approval. Approved QSI's should be presented at an appropriate ceremony.

## **E-8. ON THE SPOT CASH AWARDS:**

a. *General:* The award is intended to recognize personal accomplishments that result in high quality service, either within or without the technician's organization. This program is not intended to replace any part of the Incentive Awards Program and the receipt of an On The Spot Cash Award does not preclude a technician from also being considered for any other award. An On The Spot Cash Award is granted to technicians for an act or acts performed above and beyond the call of duty or an act or acts demonstrating special significance for providing high quality service.

b. *Eligibility:* All technicians of the California Army and Air National Guard are eligible. Technicians should be nominated no more than two weeks after the occurrence being recognized.

c. *Procedure and Approving Authority:* Supervisors may nominate any deserving technician who personally performs high quality service. Managers outside the technician's chain of command or organization may also nominate a technician for an award through the technician's supervisor. Whenever possible, technicians should be nominated no more than 2 weeks after the occurrence of the achievement being recognized. The nominating supervisor completes a SF-52 (Request for Personnel Action) and forwards to the Directorate for Human Resources. The SF-52 must contain justification as to the act or acts that warrant the On The Spot Cash Award in Part D-Remarks. Comptroller or fund managers must certify in the remarks section of the SF-52 that funds are available to support this award. Upon receipt in the Directorate of Human Resources, the On The Spot Cash Award will be processed to the Defense Finance and Accounting Office, Denver, Colorado, for payment.

d. *Amount of Award:* An On The Spot Cash Award maximum amount to be awarded is \$300.00. This amount is net for W-2 purposes. Withholding for deductions will be based on the technician's current withholding status, and all deductions will be added to the award to arrive at the gross amount.

e. *Effective Date and Presentation:* Approved On The Spot Cash Awards are effective at the beginning of the next regular pay period following the date of final approval. Supervisors will present the award documents to the technician in an appropriate ceremony. Under no circumstances should the technician be given advance notice of being nominated or approved for an award until it is verified that funding will be available.

#### **E-9. TIME OFF AWARDS PROGRAM:**

a. *General:* To enhance technician morale and to encourage high quality service by recognizing technicians who perform quality service in an exceptional manner. This program is not intended to replace the Incentive Awards Program and the receipt of a Time Off Award does not preclude a technician from being considered for any other award.

b. *Eligibility:* All technicians of the California Air and Army National Guard are eligible. Technicians should be nominated as soon as possible after the actions deserving an award are recognized. A technician may receive no more than two Time Off Awards in one fiscal year.

c. *Procedures and Approving Authority:* A supervisor may nominate any deserving technician who personally performs a service or act worthy of nomination. Managers outside the technician's chain of command may also nominate a technician through the technician's supervisor. The nomination should be done as soon as possible after the act to be recognized. The supervisor completes a SF-52 and forwards to the Directorate for Human Resources. A statement supporting the award will be written in the remarks section of the SF-52. Upon approval, the Directorate for Human Resources will process the Time Off Award to the Defense Finance and Accounting Office, Denver, Colorado.

d. *Amount of the Award:* Technicians may be granted up to 40 hours for one award, but no more than 80 hours during any leave year. Time Off Awards must be used within one year of receiving the award. Any unused amount of leave must be forfeited without further compensation.

e. *Effective Date and Presentation:* Approved Time Off Awards are effective at the beginning of the next regular pay period following the date of final approval. Approved Time Off Awards should be presented at an appropriate ceremony.



## **E-10. LENGTH OF SERVICE RECOGNITION:**

a. *General:* Length-of-Service emblems and certificates will be awarded to all National Guard Technicians as recognition for long and faithful Federal service with the National Guard and other Government agencies.

b. *Eligibility:* Technicians become eligible for recognition when they complete 10 years of creditable Federal service. Creditable service includes all service used in establishing the technician's service computation date. This award may be presented in 5 year increments up to and including 50 years.

c. *Procedures:* The Directorate for Human Resources determines technician eligibility; prepares certificates for signature by The Adjutant General; and forwards the emblems and certificates to the Commander/Director.

d. *Presentation:* This award should be presented as soon as the technician attains eligibility. However, the presentation may be set within a reasonable period after the date of eligibility in order to arrange presentation ceremonies. Benefits to technician morale from such recognition depends, to a great degree, upon the pride and respect with which the awards are presented, received, and worn. In order to foster these ideals, care should be taken to ensure that maximum publicity is given to presentation ceremonies. The Adjutant General, or supervisors and commanders designated by The Adjutant General, should present the emblems and certificates.

## **E-11. HONORARY AWARDS AND OTHER METHODS OF RECOGNITION:**

a. *The President's Award for Distinguished Federal Civilian Service:* This is the highest award granted under the Federal Incentive Awards Program. This award is granted by the President of the United States and consists of a gold medal and citation. The achievements upon which a nomination for this award are based should have current impact on improved Government operations or serving the public interest, and exemplify one or more of the following: (1) a display of imagination in developing creative solutions to problems of Government; (2) a display of courage in preserving against great odds and difficulties; (3) high ability in accomplishing extraordinary scientific or technological achievement in providing outstanding leadership in planning, organizing, or directing a major program of unusual importance and complexity, or in performing an extraordinary act or credit to the Government and the country; or (4) long and distinguished career service. To be eligible, a technician must have already received the Department of the Army or the Air Force Decoration for Exceptional Civilian Service Award and the Department of Defense Distinguished Civilian Service Award. Nominations must be personally endorsed by The Adjutant General. Details and submission dates will be announced by NGB-HR after receipt of information from the Office of Personnel Management.

b. *Department Of Defense Distinguished Civilian Service Award*: The Secretary of Defense annually presents this award to six civilian employees of the Department of Defense (DOD) whose careers reflect exceptional devotion to duty, and significant contributions of broad scope to the efficiency, economy, or other improvements in the operations of DOD. This award consists of a gold medal and citation personally signed by the Secretary of Defense. Awards are made in two categories: (1) for contributions or achievements primarily in the scientific field; or (2) for contributions or achievements in fields other than scientific. Nominees should be made from among those technicians who have already received the Department of the Army or the Air Force Decoration for Exceptional Civilian Service. Nominations must be personally endorsed by The Adjutant General. Details and Submission dates will be announced by NGB-HR.

c. *Decoration For Exceptional Civilian Service*: Eligibility will be determined by measuring contributions against one of the following level of achievements: (1) accomplished assigned duties of major program significance to the Department of the Army or the Air Force in such a manner as to have been clearly exceptional or outstanding among all who have performed like or similar duties; (2) developed and improved major methods and procedures, developed significant inventions, or was responsible for exceptional achievements that affected large-scale savings or were of major significance in advancing the missions of the Department of the Army, Air Force, or Defense and the Federal Government; (3) exhibited great courage and voluntary risk of life in performing an act resulting in direct benefit to the Government and its personnel, or; (4) provided outstanding leadership to the administration of major Army or Air Force programs in terms of highly successful accomplishments of mission or in major redirection of objectives or accomplishments to meet unique or emergency situations. Nominations for this award will cover a minimum period of one year of service, except nominations for bravery, and must be submitted within 6 months after completion of the period to be cited. Retirement, separation, or long periods of service may not be used as a sufficient basis for this award. With the exception of nominations for bravery, nominations will not normally be considered unless the technician has established a pattern of excellence as demonstrated by receipt of such prior recognition as the Department of the Army or the Air Force Meritorious Civilian Service Award or other equivalent recognition from another Federal agency. Nominations must be personally endorsed by The Adjutant General. Details regarding nominations for this award may be obtained from the Directorate for Human Resources.

d. *Meritorious Civilian Service Award*: Eligibility will be determined by measuring contributions against the level of one of the following achievements: (1) accomplishing supervisory or non-supervisory duties in an outstanding manner, setting a record of achievement and inspiring others to improve quality and quantity of work; (2) exercising unusual initiative in devising new and improved work methods and procedures that resulted in a substantial savings in manpower, time, space, materials, or other items of expense, or in improving safety or health of technicians; (3) achieving outstanding results in improving the morale of workers in an organizational unit with consequent improvement in work performance; or (4) exhibiting unusual courage or competence in an emergency, while performing assigned duties, resulting in direct benefit to the Government or its personnel.

Retirement, separation, or long periods of service will not be used as a sufficient basis for this award. Nominations must contain specific examples of the technician's accomplishment and the benefits derived in sufficient detail to be easily understood. Nominations, along with a proposed citation, will be submitted to the Directorate for Human Resources using a NGB Form 32. Directorate for Human Resources will forward to NGB-HR for approval.

e. *Awards By Non-Federal Organizations:* Nominations for one of the following awards will be submitted to NGB-HR for review and processing: (1) Arthur S. Fleming Award; (2) William A. Jump Memorial Award; or (3) GEICO Public Service Award. Details and submission data will be announced by NGB-HR.

f. *Letters of Appreciation:* Letters of appreciation or commendation may be granted by supervisors for specific instances of above-standard performance or work achievements by an individual technician or a group of technicians that warrant special recognition but does not meet the criteria for a special type award (i.e., an adopted suggestion that did not meet the eligibility requirement for a cash award).

g. *Certificate of Retirement:* A Certificate of Retirement is presented when a technician retires from the Federal service. The Adjutant General will sign the Certificate of Retirement. Forward requests for Certificates of Retirement to the Directorate for Human Resources.

## **E-12. MAINTENANCE OF INCENTIVE AWARD RECORDS:**

All Incentive Award documentation is maintained in the Directorate for Human Resources in the technician's Employee Performance Management File (EPMF).

# Enclosure 1

## DETERMINING AWARD AMOUNTS

Estimated First-Year Benefits to Government Amount of Award	
Up to \$10,000	10 percent of benefits
\$10,001-\$100,000	\$1,000 for the first \$10,000, plus 3 percent of benefits over \$10, 000
\$100,001 or more	\$3,700 for the first \$100, 000, plus .5 percent of benefits over \$100, 000

**Table 1 Quick Guide for Calculating Awards Based on Tangible Benefits**

Benefits	Award	Benefits	Award	Benefits	Award	Benefits	Award	Benefits	Award
Up to									
\$10,000	10%	50,000	2,200	90,000	3,400	170,000	4,050	1,800,000	12,200
11,000	1,030	51,000	2,230	91,000	3,430	175,000	4,075	1,900,000	12,700
12,000	1,060	52,000	2,260	92,000	3,460	180,000	4,100	2,000,000	13,200
13,000	1,090	53,000	2,290	93,000	3,490	185,000	4,125	2,100,000	13,700
14,000	1,120	54,000	2,320	94,000	3,520	190,000	4,150	2,200,000	14,200
15,000	1,150	55,000	2,350	95,000	3,550	195,000	4,175	2,300,000	14,700
16,000	1,180	56,000	2,380	96,000	3,580	200,000	4,200	2,400,000	15,200
17,000	1,210	57,000	2,410	97,000	3,610	225,000	4,325	2,500,000	15,700
18,000	1,240	58,000	2,440	98,000	3,640	250,000	4,450	2,600,000	16,200
19,000	1,270	59,000	2,470	99,000	3,670	275,000	4,575	2,700,000	16,700
20,000	1,300	60,000	2,500	100,000	3,700	300,000	4,700	2,800,000	17,200
21,000	1,330	61,000	2,530	101,000	3,705	325,000	4,825	2,900,000	17,700
22,000	1,360	62,000	2,560	102,000	3,710	350,000	4,950	3,000,000	18,200
23,000	1,390	63,000	2,590	103,000	3,715	375,000	5,075	3,100,000	18,700
24,000	1,420	64,000	2,620	104,000	3,720	400,000	5,200	3,200,000	19,200
25,000	1,450	65,000	2,650	105,000	3,725	425,000	5,325	3,300,000	19,700
26,000	1,480	66,000	2,680	106,000	3,370	450,000	5,450	3,400,000	20,200
27,000	1,510	67,000	2,710	107,000	3,735	475,000	5,575	3,500,000	20,700
28,000	1,540	68,000	2,740	108,000	3,740	500,000	5,700	3,600,000	21,200
29,000	1,570	69,000	2,770	109,000	3,745	550,000	5,950	3,700,000	21,700
30,000	1,600	70,000	2,800	110,000	3,750	600,000	6,200	3,800,000	22,200
31,000	1,630	71,000	2,830	111,000	3,755	650,000	6,450	3,900,000	22,700
32,000	1,660	72,000	2,860	112,000	3,760	700,000	6,700	4,000,000	23,200
33,000	1,690	73,000	2,890	113,000	3,765	750,000	6,950	4,100,000	23,700
34,000	1,720	74,000	2,920	114,000	3,770	800,000	7,200	4,200,000	24,200
35,000	1,750	75,000	2,950	115,000	3,775	850,000	7,450	4,300,000	24,700
36,000	1,780	76,000	2,980	116,000	3,780	900,000	7,700	4,360,000	25,000 N2
37,000	1,810	77,000	3,010	117,000	3,785	950,000	7,950		
38,000	1,840	78,000	3,040	118,000	3,790	1,000,000	8,200		
39,000	1,870	79,000	3,070	119,000	3,795	1,050,000	8,450		
40,000	1,900	80,000	3,100	120,000	3,800	1,100,000	8,700		
41,000	1,930	81,000	3,130	125,000	3,825	1,150,000	8,950		
42,000	1,960	82,000	3,160	130,000	3,850	1,200,000	9,200		
43,000	1,990	83,000	3,190	135,000	3,875	1,250,000	9,450		
44,000	2,020	84,000	3,220	140,000	3,900	1,300,000	9,700		
45,000	2,050	85,000	3,250	145,000	3,925	1,350,000	9,950		
46,000	2,080	86,000	3,280	150,000	3,950	1,400,000	10,200 N1		
47,000	2,110	87,000	3,310	155,000	3,975	1,500,000	10,700		
48,000	2,140	88,000	3,340	160,000	4,000	1,600,000	11,200		
49,000	2,170	89,000	3,370	165,000	4,025	1,700,000	11,700		

**NOTE 1:** Awards over \$10,000 require the approval of the Office of Personnel Management.

**NOTE 2:** Maximum award authorized by the Office of Personnel Management. A Presidential Award of up to \$10,000 may be paid in addition to the \$25,000.

## Enclosure 2

<b>SUGGESTION</b> <i>TPP 903</i>					
<b>PRIVACY ACT STATEMENT</b>					
<p>1. Authority: 5 USC 4506, E.O. 9397.</p> <p>2. Principal Purpose(s): To record all factual information pertaining to a suggestion. Information will be reviewed by the state concerned, NGB, DA, DAF, or other agencies.</p> <p>3. Mandatory or Voluntary Disclosure and Effect on Individual not Providing Information: Disclosure of requested information is voluntary. However, processing will be delayed if requested information is not provided.</p>					
<p>DISCUSS: Discussion with your supervisor is encouraged.</p> <p>COMPLETE: Complete all blank spaces except "Suggestion No.".</p> <p>SIGN: Be sure to sign your suggestion.</p> <p>ADD: Use additional sheets for drawings or pictures when necessary. Attach separate sheet for co-suggestor's Personal Data Information.</p> <p>SUBMIT: Suggestion may be submitted through your supervisor, placed in a suggestion box, or mailed to Suggestion committee.</p>					
NAME OF SUGGESTOR (Last, First, Middle Initial)			HOME OR MAILING ADDRESS (Include Zip Code)		
SUGGESTION NO.					
<input type="checkbox"/> MR.	<input type="checkbox"/> MISS	GRADE	SOCIAL SECURITY NO.	(If different from above, legal address for tax purposes)	
<input type="checkbox"/> MRS.					
INSTALLATION, ORGANIZATION AND/OR SYMBOL			POSITION TITLE		OFFICE PHONE
SUBJECT OF SUGGESTION					
<p>I HEREBY AGREE THAT, UPON ACCEPTANCE OF A CASH AWARD(S), THE USE OF THIS SUGGESTION BY THE UNITED STATES SHALL NOT FORM THE BASIS OF A FURTHER CLAIM OF ANY NATURE UPON THE UNITED STATES BY ME, MY HEIRS OR ASSIGNS.</p>					
DATE		SIGNATURE OF SUGGESTOR		MAY YOUR NAME BE USED DURING THE PROCESSING OF THIS SUGGESTION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
<p>IN THE SPACE BELOW DESCRIBE SUGGESTION COMPLETELY. TELL WHAT THE PRESENT PRACTICE IS, CHANGE OR IMPROVEMENT SUGGESTED, WHERE AND HOW IT CAN BE USED, AND ESTIMATED TANGIBLE SAVINGS AND/OR INTANGIBLE BENEFITS WHICH WOULD RESULT FROM ITS ADOPTION. IF SUGGESTION IS HAND-WRITTEN, PLEASE USE BLACK PENCIL OR BLACK INK.</p>					

<b>SUGGESTION</b> <b>AWARDS COMMITTEE WILL DETACH THIS PORTION BEFORE FORWARDING FOR EVALUATION</b>					
NAME OF SUGGESTOR (Mr. Mrs., Miss)			ORGANIZATION		OFFICE PHONE
I BELIEVE THIS SUGGESTION WILL <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div><input type="checkbox"/> SAVE TIME</div> <div><input type="checkbox"/> SAVE MATERIAL</div> <div><input type="checkbox"/> IMPROVE METHODS</div> <div><input type="checkbox"/> IMPROVE SAFETY</div> <div><input type="checkbox"/> SIMPLIFY WORK</div> <div style="text-align: right;">OTHER (specify)</div> </div>					SUGGESTION NO.
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"></div> <div style="width: 35%; border-left: 1px solid black; padding-left: 10px;">           home address is given, include ZIP Code.         </div> </div>					

Detached from NGB Form 6

<b>SUGGESTION EVALUATION</b>				DATE	
TO: <i>(Use complete address)</i>			FROM: <i>(Use complete address)</i>		
1. SUGGESTION TITLE				2. SUGGESTION NUMBER	
3. ACTION TAKEN OR RECOMMENDED <i>(Check pertinent box and furnish information according to instructions therein)</i>					
<input type="checkbox"/>	A. NOT RECOMMENDED FOR ADOPTION <i>(Give reasons in item 4)</i> : SUGGESTION [ ] MAY [ ] MAY NOT BE OF VALUE AT A LATER DATE. IF YES, ALSO EXPLAIN IN ITEM 4.				
<input type="checkbox"/>	B. ALREADY UNDER CONSIDERATION		EXPLAIN ORIGIN OF ACTION IN ITEM 4. INCLUDE ALSO WHETHER OR NOT THIS SUGGESTION, PARTIALLY OR TOTALLY, CONTRIBUTED TO THE ACTION. IF YES, COMPLETE ALL OTHER ITEMS ON FRONT AND REVERSE SIDE.		
<input type="checkbox"/>	C. ALREADY IN USE.				
<input type="checkbox"/>	D. RECOMMEND ADOPTION, BUT APPROVAL NOT WITHIN JURISDICTION OF THIS OFFICE. REASONS FOR RECOMMENDATIONS ARE CONTAINED IN ITEM 4.				
<input type="checkbox"/>	E. APPROVED FOR ADOPTION <i>(Complete all other items on front and reverse side)</i>				
<input type="checkbox"/>	TOTALLY	PARTIALLY <i>(Explain)</i>	IMPLEMENTATION DATE	METHOD OF ADOPTION	MANDATORY OR OPTIONAL USE
<input type="checkbox"/>	F. OTHER RECOMMENDED ACTION <i>(Specify in item 4)</i>				
4. REMARKS					
5. LIST OF ATTACHMENTS					
NAME, TITLE AND ORGANIZATION OF EVALUATOR <i>(Include telephone extension)</i>				SIGNATURE, TITLE AND ORGANIZATION OF RESPONSIBLE OFFICIAL	

Enclosure 3-2

<b>6. TANGIBLE BENEFITS. FIRST YEAR TANGIBLE BENEFITS WILL BE CALCULATED IF AT ALL POSSIBLE. USE TABLE BELOW OR, IF INAPPLICABLE, GIVE A DETAILED BREAKDOWN OF BENEFITS UNDER ITEM 4 'REMARKS', USE ADDITIONAL PAPER IF REQUIRED.</b>							
<b>A.</b>	<b>LABOR</b>			<b>MATERIAL</b>			<b>TOTAL COST OF LABOR &amp; MATERIAL</b>
	<b>FACTORS</b>	<b>MAN-HOURS INVOLVED</b>	<b>COST PER MAN-HOUR</b>	<b>TOTAL COST</b>	<b>NUMBER OF UNITS</b>	<b>COST PER UNIT</b>	
	FORMER METH.						\$
	NEW METHOD						\$
<b>TOTAL DOLLAR BENEFITS</b>							\$
<b>B. COST OF CONVERTING TO NEW METHOD</b>				<b>C. TOTAL FIRST YEAR NET DOLLAR BENEFITS (Labor and material less cost of conversion)</b>			
MAN-HOURS			\$	\$			
MATERIALS AND/OR EQUIPMENT			\$				
<b>TOTAL COST</b>			\$	<b>ACTUAL</b>		<b>ESTIMATED</b>	
<b>7. INTANGIBLE BENEFITS (Non-measurable)</b>							
<b>A. VALUE OF BENEFIT IS</b>				MODERATE	SUBSTANTIAL	HIGH	EXCEPTIONAL
<b>B. EXTENT OF APPLICATION IS</b>				LIMITED	EXTENDED	BROAD	GENERAL
<b>C. EXPLAIN FACTORS SELECTED IN "A" AND "B".</b>							
<b>8. DESCRIBE OLD METHOD (Include references to part numbers or other specification date and prescribing directives as appropriate).</b>							
<b>9. DESCRIBE NEW METHOD (Include advantages over old method, changes required, and disposition of resources saved if applicable).</b>							

## Enclosure 4

RECOMMENDATION FOR INCENTIVE AWARD OR QUALITY SALARY INCREASE					DATE	
I. (TO BE COMPLETED BY OPERATING OFFICE)						
1. TYPE OF RECOGNITION RECOMMENDED						
2. BASIS FOR RECOMMENDATION (See reverse under 'Evidence of Superior or Outstanding Achievement')						
<input type="checkbox"/> SUPERIOR PERFORMANCE		PERIOD		<input type="checkbox"/> SPECIAL ACT OR SERVICE		DATE OF ACT OR DATE CONTRIBUTION PUT INTO USE
3. LAST NAME-FIRST NAME-MIDDLE INITIAL (Mr., Mrs., Miss)				4. PRESENT POSITION TITLE, GRADE, STEP AND SALARY		
5. COMMAND, INSTALLATION AND LOCATION				6. ORGANIZATION		
7. POSITION TITLE, GRADE AND SALARY DURING PERIOD OF RECOMMENDATION (If other than item 4)				8. HOME ADDRESS (Include zip code)		
9. SIGNATURE AND TITLE OF IMMEDIATE SUPERVISOR (Tel. ext)				10. SIGNATURE AND TITLE OF APPROVING OPERATING OFFICIAL		
II. (TO BE COMPLETED BY TECHNICIAN PERSONNEL OFFICE)						
TYPE AND DATE OF INCENTIVE AWARD(S) OR DATE OF QUALITY INCREASE(S) PREVIOUSLY GRANTED (except length of service)						
III. (TO BE COMPLETED BY LOCAL AWARDS COMMITTEE)						
11. RECOMMEND APPROVAL OF FOLLOWING AWARD(S)		<input type="checkbox"/> CASH	TOTAL AMOUNT		INITIAL	ADDITIONAL
OTHER						
<input type="checkbox"/> INTANGIBLE BENEFITS		<input type="checkbox"/> TANGIBLE SAVINGS		ESTIMATED FIRST YEAR SAVINGS		
12. <input type="checkbox"/> DISAPPROVED <sup>1</sup>		SIGNATURE AND TITLE				DATE
IV. (TO BE COMPLETED BY APPROPRIATE APPROVING AUTHORITY)						
APPROVING AUTHORITY	ACTION		ADDITIONAL CASH AWARD		SIGNATURE AND TITLE	DATE
	APPR	DISAP <sup>1</sup>	APPROVED	RECOMMEND		
LOCAL COMMANDER						
STATE AWARDS COMMITTEE						
ADJUTANT GENERAL						
NGB INCENTIVE AWARDS BOARD						
(NOTICE TO EMPLOYEE)						
UPON ACCEPTANCE OF CASH AWARDS, THE USE OF THIS CONTRIBUTION BY THE UNITED STATES SHALL NOT FORM THE BASIS OF A FURTHER CLAIM OF ANY NATURE UPON THE UNITED STATES BY YOU, YOUR HEIRS OR ASSIGNS.						
1 Attach explanation						

NGB FORM 32  
1 MAY 70



## ANNEX F

### HAZARDOUS DUTY AND ENVIRONMENTAL DIFFERENTIAL PAY

#### F-1. PURPOSE:

The purpose of this Annex is to define the situations under which Hazardous Duty Pay (HDP) and Environmental Differential Pay (EDP) is paid to technicians employed by the California National Guard. The criterion for payment of EDP is the opposite from that for HDP. A wage technician may not be compensated for hazardous duty through the job grading system. The Position Description (PD) may describe duties that at some time might be hazardous, but no grade credit can be allowed. The technician is only compensated through the appropriate differential. On the other hand a General Schedule technician may be compensated for performing hazardous duty through the position classification process. Hazardous Duty Pay is therefore payable for hazardous duties that are not usually involved in carrying out the duties of the position. Specific procedures for processing EDP and HDP are outlined herein.

#### F-2. COVERAGE:

a. This Annex applies to all California Army and Air National Guard Technicians employed on a full-time, temporary, part-time or intermittent basis.

b. Hazardous Duty Pay applies only to General Schedule(GS) technicians while in pay status. Compensatory time worked is not a paid status for this purpose. Hazardous Duty Pay will be paid only for duties that qualify in accordance with a list of situations published by the Office of Personnel Management (OPM). It has been determined by the National Guard Bureau that there are no situations for which a GS technician would be entitled to HDP at the present time.

c. Environmental Differential Pay applies only to Wage Board (WG, WL, WS) technicians. (See paragraph F-6 below.)

#### F-3. POLICY:

a. Environmental Differential Pay is an additional compensation program available to technicians for actual exposure to various degrees of hazard, physical hardship, and working conditions of an unusually severe nature. Authorization for these differentials does not eliminate the continuing responsibility of all concerned to initiate positive action to eliminate or reduce danger and risk which contributes to or causes the hazard, physical hardship, or working condition.

b. The existence of EDP differentials is not intended to condone work practices which circumvent Federal Safety laws, rules, and regulations.

c. When potential hazard or actual discomfort are identified in a work assignment, first consideration must be given to the protection of the technician. Protective measures which reduce the hazard to the technician and/or tend to relieve his discomfort must be made available if at all practicable and the application of these measures enforced. The payment of these differentials is a measure which admits that no available means can reasonably be employed to eliminate the hazard or reduce discomfort to reasonable tolerable levels.

#### **F-4. RESPONSIBILITIES:**

a. *Technicians.* Each technician is required to work within the dictates of sound safety practices and procedures. In those instances where this cannot be accomplished, the technician must take positive steps to report the situation, and if appropriate, initiate a request to establish an EDP situation. Recommendations will be forwarded through supervisory channels.

b. *Supervisors.* Supervisors must ensure that safety practices and acceptable work procedures are followed. In those instances where a hazardous situation cannot be avoided or **practically eliminated**, a request to establish an EDP situation must be prepared and forwarded through supervisory channels to this office. (See Enclosure 1, "Request for Hazardous Duty Pay or Environmental Differential Pay Determination" at the end of the annex) The supervisor must examine the situation and provide his/her recommendation. Supervisors and managers do not have the authority to approve or disapprove a request to establish an EDP situation.

c. *The Directorate for Human Resources.* As the office responsible for management of the EDP program, the Directorate for Human Resources will review requests to establish EDP situations and will take expeditious action to approve the situation. All committee-approved situations will be distributed to the field as an Enclosure to this annex. (See Enclosure 2 at the end of the annex.) The Directorate for Human Resources, through the EDP Committee will conduct annual evaluations of the program and previously approved situations to insure that they are current and valid.

d. *State Environmental Differential Pay/Hazardous Duty Pay Committee.* An EDP/HDP Committee will be established to consider situations that may require EDP/HDP. The committee will meet through a coordination process. Meeting through coordination means that all documentation will be either e-mailed or distributed by hard copy to all committee members for their consideration of the request. The committeemembers' responses will be consolidated and the Directorate for Human Resources will make the decision for approval or disapproval. This will allow for a more rapid response to requests for EDP/HDP and reduce the cost of TDYs for committee meetings. Environmental Differential Pay/Hazardous Duty Pay Committee's should be composed of management officials, la-

bor organization representatives, safety personnel and officers, and medical or environmental personnel, if available. Safety Officers and Environmental personnel will be the voting members of the committee.

#### **F-5. ENVIRONMENTAL DIFFERENTIAL PAY (EDP):**

a. This section provides the details necessary to implement an Environmental Differential Pay (EDP) Program for the California Army and Air National Guard Technicians as authorized by Title 5, USC, OPM and NGB regulations governing EDP.

b. Coverage. Environmental Differential Pay is applicable only to Wage Grade technicians and will be paid only for those approved situations indicated in Enclosure 2 at the end of the annex.

c. Basis for EDP:

(1) Environmental Differentials are paid for those work situations in which the technician is exposed to a potentially severe hazard which has a real probability of occurrence and for which no adequate precautions or protective facilities are possible to **minimize or practically eliminate** physical injury, illness, or death to the worker should the potential of the situation actualize.

(2) Environmental situations do not qualify for differential compensation simply on the basis that an element of hazard or discomfort has been identified in a work situation. The hazard must involve a real threat with no effective measure available to protect the technician from attendant discomforts or threat of injury. The hazard or discomfort must be such that the technician is exposed to potential injury or harm significantly beyond that experienced by other technicians or the general population from the same source.

(3) If no effective measures are available to protect the technician from the affects of the work environment, and real injury or serious discomfort is experienced by the worker, appropriate compensation through Environmental Differential Pay must be provided. Request may be made using the form in Enclosure 1 at the end of the annex. However, the essential requirement for the work assignment that involves the potential hazard must be determined first. Second, such protection as is available must be applied to reduce the effect of the adverse environmental conditions to whatever minimum is possible. Third, the number of technicians exposed to a potential hazard or serious discomfort should be limited to the absolute minimum necessary to accomplish the work assignment.

## F-6. COMPUTING ENVIRONMENTAL DIFFERENTIAL PAYMENTS:

a. An environmental differential is paid on the basis of actual exposure, or on the basis of hours in a pay status. A Wage Grade Technician who is exposed to a situation for which an environmental differential is authorized under Enclosure 3 at the end of the annex. Is entitled to the appropriate differential regardless of whether the technician has a full-time, part-time, or intermittent tour of duty; on regular assignment or on detail; or serving under a temporary appointment or under an appointment without time limitation. However, to receive a differential, there must be actual exposure to the environmental condition and it must be one of the approved situations in Enclosure 2 at the end of the annex. The following will aid in computing environmental differentials:

(1) Payment for actual exposure. The Amount of the Environment Differential which is payable is calculated as follows: Multiply the percentage rate authorized, by the pay for a WG-10 step 02. Round one half cent and over as a full cent. This will equal the amount of EDP payable. This formula will result in a uniform payment to each wage technician who is authorized environmental differential for like situations.

(2) Payment based on hours in pay status. When a technician is exposed to a situation for which an environmental differential is authorized on the basis of hours in a pay status. The agency shall pay the technician the differential for all hours in a pay status on the day on which he/she is exposed to the situation.

(3) When a technician is entitled to a differential which is paid on an actual exposure basis, they shall be paid a minimum of one hours differential for each exposure. However, when more than one exposure occurs in the same hour, the technician shall be paid only the exposure which results in the highest differential. When an entitlement continues beyond one hour, the technician will be paid in one quarter hour increments for each 15 minutes and portion thereof in excess of 15 minutes. For example, a technician whose regular tour of duty is 8 a.m. to 4 p.m., Monday through Friday, is exposed to situations for which a differential is authorized under Enclosure 1 at the end of the annex, as follows:

<u>DAY</u>	<u>HOURS WORKED</u>	<u>RATE (%)</u>	<u>DIFFERENTIAL EARNED</u>
Monday	8:30 AM to 9:00 AM	4	1 hour @ 4%
	9:20 AM to 9:30 AM	4	0 (second exposure same hours)
	10:00 AM to 11:30 AM	25	1 ½ hour @ 25%
	12:00 noon to 12:05 PM	4	1 hour @ 4%

Tuesday	8:00 AM to 8:05 AM	4	1 hour @ 4%
	8:55 AM to 9:25 AM	4	30 minutes @ 4% (continuation of preceding hour)
	10:00 AM to 10:05 AM	4	1 hour @ 25% (see following)
	10:55 AM to 11:10 AM	25	15 minutes at 25% (continuation of preceding hour)
	11:14 AM to 11:20 AM	4	15 minutes @ 25%
Wednesday	8:45 AM to 9:00 AM	4	1 hour @ 25% (Pay for an hour at higher rate)
	9:40 AM to 9:45 AM	25	See above
	3:55 PM to 4:00 PM	4	1 hour @ 4% (1 hour differential pay-no overtime)
Thursday	5:00 PM to 5:30 PM	4	1 hour @ 4% (Even though entitled to 2 hours call back over time, only 1 hour EDP)
Friday	8:45 AM to 8:50 AM	4	1 hour @ 4%
	Annual Leave 8:00 AM to 4:00 PM		

b. All exposures occurring during the period of entitlement must be considered; however, payment is computed for the period on the basis of the highest differential rate authorized during the period of entitlement.

c. *Environmental Differential Pay During Absences on Leave.*

(1) Environmental differential is included as part of a technician's basic rate of pay for periods of paid leave (annual, sick, etc.), under the following circumstances:

(a) When a technician is exposed to a situation for which an environmental differential is authorized on the basis of hours in a pay status, that differential will be paid during a period of absence on the day in which the exposure occurs.

(b) When a technician is exposed to a situation for which an environmental differential is authorized for an actual exposure. That differential will be paid during a period of absence on paid leave only to the extent that the leave is within the minimum payment period (1 hour) or beyond that in increments of one quarter hours.

(2) A technician will not be paid an environmental differential during a period of absence on paid leave on any day in which they would not have been exposed to a situation.

d. Because environmental differential is paid only for days on which a technician is in a paid status and is exposed to a situation for which the differential is authorized, it is not included in a lump sum payment for annual leave or in computing severance pay. In addition, the technician may not be paid EDP while in a compensatory status.

#### **F-7. DOCUMENTATION OF EDP:**

a. The supervisor must submit an SF 52 (Requests for Personnel Action) (See Enclosure 5 at the end of the annex) for each technician who may potentially be exposed to one of the situations listed in Enclosure 2 at the end of the annex, to Directorate for Human Resources. The Directorate for Human Resources will produce an SF 50 (Notification of Personnel Action) and forwarded it to the Customer Service Representative. (See Enclosure 5 at the end of the annex.)

b. The supporting Customer Service Representative receives documentation of EDP by use of an NGB Form 104 (Certificate of Authorization for Environmental Differential Pay) attached to T&A Cards. This process is required in order to calculate payment of EDP. The Certificate of Authorization for Environmental Differential Pay, NGB Fm 104 (See Enclosure 4 at the end of the annex) will be completed as follows:

(1) Enter name, SSN, unit and location of the technician concerned.

(2) List the category number of exposure. Show all exposures as they occur each workday. When exposure occurs under more than one category, intermittently for the same category or concurrently with more than one category on the same workday, list each individual exposure separately to include actual clock times.

(3) Duration of exposure. List the date, inclusive clock time in the "from" and "To" columns, and actual elapsed time in hours and minutes of each category of exposure shown in the preceding column. For example, 1 Nov 85, 1300-1525 hours; 2 hours, 25 minutes.

(4) The signature and title of the authorizing official, as designated for the particular situation listed in Enclosure 2 at the end of Annex F, is required to certify the exposure for pay purposes.

(5) A Summary of Environmental Differential Pay hours will be completed by the Customer Service Representative. These categories are established in accordance with 5 CFR 532-E APA and are as follows:

CATEGORY CODE I  
ACTUAL EXPOSURE

<u>RATE</u>	<u>CODE</u>
100%	A
25%	B
15%	C
4%	D

CATEGORY CODE II  
HOURS IN PAY STATUS

<u>RATE</u>	<u>CODE</u>
50%	M
8%	N
4%	O

<b>REQUEST FOR HAZARDOUS DUTY PAY or ENVIRONMENTAL DIFFERENTIAL PAY DETERMINATION</b>		
<b>TO:</b>	<b>FROM:</b>	
<p>The following local work situation is submitted in accordance with Annex F of the Technician Personnel Manual, Hazardous Duty and Environmental Differential Pay Plan, for determination of entitlement to differential pay under provisions of:</p> <p> <input type="checkbox"/> Hazardous Pay Differential           <span style="margin-left: 100px;"><input type="checkbox"/> Environmental Pay Differential</span> </p>		
<p>1. Is there an identical work situation at the immediate work location?</p> <p> <input type="checkbox"/> YES     <input type="checkbox"/> NO     <input type="checkbox"/> UNKNOWN           </p> <p>If yes, provide an explanation:</p>		
<p>2. Is there an identical work situation in the State that you are aware of?</p> <p> <input type="checkbox"/> YES     <input type="checkbox"/> NO     <input type="checkbox"/> UNKNOWN           </p> <p>If yes, please identify location:</p>		
<p>3. Indicate the classification and grade levels of the technician performing the work. (HDP only)</p>		
<p>4. Indicate the applicable technical instruction covering the work situation.</p>		
<p>5. Indicate the applicable safety regulation covering the work situation, and whether all safety measures are in place (if not, why)</p>		
<p>6. Has there been a safety or environmental health report prepared for the situation?</p> <p> <input type="checkbox"/> YES     <input type="checkbox"/> NO     <input type="checkbox"/> UNKNOWN           </p> <p>If yes, provide a copy as an attachment to this form</p>		
<p>7. Indicate the length of time the situation will exist</p> <p>             Months:                      Years:                      Indefinite:           </p>		



Enclosure 1-2

8. Recommended Rate:                      %		
9. Recommended Officials Authorized to certify for exposure and pay.		
10. Provide a detailed description of your particular hazard, physical hardship or working condition.		
11. Provide a brief explanation of the actions taken to eliminate the condition.		
12. When was the last known incident/injury resulting from exposure to this hazard?		
SUBMITTED BY	TECHNICIAN SUPERVISOR	SAFETY OFFICER
TYPED NAME & TITLE	TYPED NAME & TITLE	TYPED NAME & TITLE
SIGNATURE & DATE	SIGNATURE & DATE	SIGNATURE & DATE

**BASED ON ACTUAL EXPOSURE: HIGH WORK AT LESSER HEIGHT - 25%**

**TITLE:** Inspection and Maintenance of Fixed Wing or Rotary Aircraft

**1.** The majority of all required maintenance is done from the top of the fuselage. The top of the fuselage has many fluid lines, electrical wires and major components mounted to the fuselage creating hazardous footing. Work platforms and work areas built into the airframe range from 5-15 feet above the ground.

a. Rotary: Schedule and unscheduled maintenance require personnel to walk on the fuselage to make visual inspections of rotor systems, engines, and power train components.

b. Fixed: Require personnel to walk on the fuselage out to the wing tip to make visual inspection of the wing, engine nacelle, skin for damage, security of panels, caps, doors, and life raft replacement.

**2. APPLIES TO:** All Army Aviation and all Air Bases.

**3. DETERMINATION:** Personnel may only be compensated when directed to perform these tasks during adverse weather conditions, such as, darkness, rain, high winds, icing or any combination thereof. Winds are considered high when above 15 mph, steady or in gusts.

**4. DATE OF DETERMINATION:** June 1998

**5. APPROVING AUTHORITY:** Maint Officer or Aircraft Mechanic Foreman

**6. CATEGORY CODE:** I-B

**BASED ON ACTUAL EXPOSURE: HIGH WORK - 25%**

**TITLE:** Communications Installation

**1.** The communication systems used by the California Air National Guard includes towers of varying height not to exceed 100 feet. Technicians may be required to accomplish communications installation on these towers.

**2. APPLIES TO:** 162<sup>nd</sup> CCG and 144<sup>th</sup> FW

**3. DETERMINATION:** Personnel may be compensated when directed to perform duties under the following conditions:

- a. The height of the working level versus the height of the pole is the basis of pay.
- b. If the footing is unsure and the structure is unstable.
- c. If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example: working from a swinging stage, boatswain chair or a similar support).
- d. If adverse conditions, such as, darkness, steady rain, high wind, icing, lightning or similar environmental factors render working at such heights hazardous.

**4. DATE OF DETERMINATION:** June 1998

**5. APPROVING AUTHORITY:** Communications Station Detachment Commander or Electronic Mechanic Foreman

**6. CATEGORY CODE:** I-B

**BASED ON ACTUAL EXPOSURE: HOT WORK - 4%**

**TITLE:** Weather Conditions in Maintenance Area

1. During the summer months technicians are required to work in confined spaces where they are subject to temperatures in excess of 110 degrees Fahrenheit. Confined and closed areas inside aircraft and other vehicles exceed 110 degrees Fahrenheit whenever the Ambient air temperature outside exceeds 110 degrees Fahrenheit.

- a. No adequate measures are available to reduce the temperature.
- b. There are not adequate shop/hanger bays to move vehicles into shop area.

**2. APPLIES TO:** All Air and Army Maintenance Sections

**3. DETERMINATION:** Personnel may be compensated accordingly when directed to work in confined spaces inside aircraft/vehicles wherein technician is subjected to temperatures in excess of 110 degrees Fahrenheit.

**4. DATE OF DETERMINATION:** June 1998

**5. APPROVING AUTHORITY:** Chief of Maintenance or Heavy Mobil Equipment General Foreman

**6. CATEGORY CODE:** I-D

**BASED ON ACTUAL EXPOSURE: WORK AT EXTREME HEIGHT - 50%**

**TITLE:** Communications Installation

**1.** The communication systems used by the California Air National Guard includes towers and telephone poles over 100 feet in height from the ground, deck, floor or roof.

**2. APPLIES TO:** 162<sup>nd</sup> CCG

**3. DETERMINATION:** Personnel may be compensated when directed to perform these duties under the following conditions:

- a. The height of the working level versus the height.
- b. If the footing of the base is the basis of pay.
- c. If the footing is insure and the structure is unstable.
- d. If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example: working from a swinging stage, boatswain chair or a similar support).
- e. If adverse conditions, such as, darkness, steady rain, high wind, icing, lightening or similar environmental factors render working at such heights hazardous.

**4. DATE OF DETERMINATION:** June 1998

**5. APPROVING AUTHORITY:** Communications Station Detachment Commander

**6. CATEGORY CODE:** I-M

**BASED ON ACTUAL EXPOSURE:GROUND WORK BENEATH HOVERING HELICOPTERS - 15%**

**TITLE:** Hazard Created by the Rotor

1. During external cargo missions a requirement exists to hook loads onto the aircraft cargo hook. This task is accomplished using a ground support man alongside the load or on the load.

**2. APPLIES TO:** Army Aviation and the 129<sup>th</sup> RQW

**3. DETERMINATION:** The hovering helicopter creates a dual hazard; there is a hazard created by the rotor down-wash and a hazard resulting from the proximity of the helicopter to the ground support man while it is being maneuvered over the load. Personnel may be compensated when directed to perform duties within the scope of stated criteria.

**4. DATE OF DETERMINATION:** June 1998

**5. APPROVING AUTHORITY:** Aircraft Maintenance Officer or Aircraft Mechanic Foreman

**6. CATEGORY CODE:** I-C

**BASED ON HOURS IN A PAY STATUS: WORK IN FUEL STORAGE TANKS - 8%**

**TITLE:** Confined Space - Breathing Hazard

1. The fuel tanks of the C-130 and KC-135 aircraft are an integral part of the Wing commonly referred to a wet wing. The wing structure is in effect the fuel tank. Normal stresses imposed at the seams, rivets, and fasteners during flying cause leaks which must be repaired.

a. Frequent inspection of the fuel tanks are required to determine condition of the sealant, location of leaks, removal of deteriorated sealant, and resealing of the area.

b. A de-fueling, de-puddling, and purging process is required to remove fuel and vapors from the tanks. Access to the fuel tank must be gained by personnel making the repair.

c. Technicians performing such duties must work in a cramped and strained body position to gain access to areas within the tanks. The atmosphere within the tank is both toxic and flammable from the fuel and chemicals involved. Protective clothing and equipment must be used to reduce damage to skin and inhalation of toxic vapors.

2. **APPLIES TO:** Operational Aircraft at the 129<sup>th</sup> RQW, 146<sup>th</sup> AW, 163<sup>rd</sup> ARW, 144<sup>th</sup> FW

3. **DETERMINATION:** When technicians work under the conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors and failure of the breathing apparatus would result in serious injury or death within the time required to leave the fuel cell, EDP would be appropriate. When there is ready access to oxygen and no danger or serious injury of death, EDP would not be appropriate.

4. **DATE OF DETERMINATION:** June 1998

5. **APPROVING AUTHORITY:** Aircraft Maintenance Officer or Aircraft Mechanic Foreman

6. **CATEGORY CODE:** II-N

**BASED ON HOURS IN A PAY STATUS: EXPLOSIVES AND INCENDIARY MATERIAL - LOW DEGREE HAZARD - 4%**

**TITLE:** Handling, Hauling, and Storage of Explosive and Incendiary Material

**1.** Working with or in close proximity to explosives and incendiary material, such as:

- a. Air - loading, unloading, and hauling of explosive and incendiary material.
- b. Army - storage of explosive and incendiary material.
- c. Arming/disarming or the installation/removal of any squib, explosive device, or component thereof.

**2. APPLIES TO:** ARNG Training Site Camp Roberts, and FC's 23D1 at the 163<sup>rd</sup> ARW, 144<sup>th</sup> FW, FC's 23B1 and 42C1 at the 146<sup>th</sup> AW and 129<sup>th</sup> RQW.

**3. DETERMINATION:** When using Class A and B explosives only, personnel may be compensated accordingly when directed to perform duties within the scope of stated criteria.

**4. DATE OF DETERMINATION:** June 1998

**5. APPROVING AUTHORITY:** First Line Supervisor or Shop Foreman

**6. CATEGORY CODE:** II-O



## ENVIRONMENTAL DIFFERENTIALS.

Document Number: 5 CFR 532.511  
5CFR532511

Date: 01 JAN 97

Subject-term: Hazardous Duty Pay - Prevailing Rates  
Subject-term: Non-appropriated Fund Employees - Prevailing Pay Rates  
Subject-term: Pay Differentials - Prevailing Rates  
Subject-term: Prevailing Pay Rates - Differentials

### **s532.511 ENVIRONMENTAL DIFFERENTIALS**

#### *(a) Entitlements To Environmental Differential Pay.*

(1) In accordance with section 5343(c)(4) of title 5, United States Code, an employee shall be paid an environmental differential when exposed to a working condition or hazard that falls within one of the categories approved by the Office of Personnel Management.

(2) Each installation or activity must evaluate its situations against the guidelines issued by the Office of Personnel Management to determine whether the local situation is covered by one or more of the defined categories.

#### *(b) Amount Of Environmental Differential Payable.*

(1) An employee entitled to an environmental differential shall be paid an amount equal to the percentage rate authorized by the Office of Personnel Management for the category in which the working condition or hazard falls, multiplied by the rate for the second step of WG-10 for the appropriated fund employees and NA-10 for the non-appropriated fund employees on the current regular non-supervisory wage schedule for the wage area for which the differential is payable, counting one-half cent and over as a whole cent.

(2) An employee entitled to an environmental differential on an actual exposure basis shall be paid a minimum of one hour's differential pay for the exposure. For exposure beyond one hour, the employee shall be paid in increments of one quarter hour for each 15 minutes or portion thereof in excess of 15 minutes. Entitlement begins with the first instance of exposure and ends one hour later, except that when exposure continues beyond the hour, it shall be considered ended at the end of the quarter hour in which exposure actually terminated.

(3) An employee entitled to an environmental differential on the basis of hours in a pay status shall be paid for all hours in a pay status on the day on which he/she is exposed to the situation.

(4) An employee may not be paid more than one environmental differential for a particular period of work.

(5) The payment of environmental differential pay is computed on the basis of the highest environmental differential rate authorized during the period of entitlement.

(6) The number of hours an employee is paid environmental differential shall not exceed the number of hours of duty performed by the employee on the day of exposure except as required by paragraph (b)(3) of this section.

(c) Basic pay. Environmental Differential pay is part of basic pay and shall be used to compute premium pay (pay for overtime, holiday, or Sunday work), the amount from which retirement deductions are made, and the amount on which group life insurance is based. It is not part of basic pay for purposes of lump-sum annual leave payments and severance pay nor is its loss an adverse action.

(d) The schedule of environmental differentials is below:

[46 FR 21344, Apr. 10, 1981, as amended at 49 FR 49841, Dec. 24, 1984; 55 FR 46180, Nov. 1, 1990]

Code of Federal Regulations (CFR)

## SCHEDULE OF ENVIRONMENTAL DIFFERENTIALS

Document Number: 5 CFR 532-E APA

Date: 01 JAN 1998

Subject-term: Hazardous Duty Pay - Prevailing Rates

Subject-term: Hazardous Occupations

Subject-term: Pay Differentials - Prevailing Rates

Subject-term: Prevailing Pay Rates - Differentials

### APPENDIX A TO SUBPART E OF PART 532-SCHEDULE OF ENVIRONMENTAL DIFFERENTIALS PAID FOR EXPOSURE TO VARIOUS DEGREES OF HAZARDS, PHYSICAL HARDSHIPS, AND WORKING CONDITIONS OF AN UNUSUAL NATURE

This appendix lists the environmental differentials authorized for exposure to various degrees of hazards, physical hardships, and working conditions of an unusual nature.

#### PART I.—PAYMENT FOR ACTUAL EXPOSURE

Differential rate (percent)	Category for which payable	Effective date
100	<p>1. Flying. Participating in flights under one or more types of the following conditions:</p> <p style="padding-left: 40px;">a. Test flights of a new or repaired plane or modified plane when the repair or modification may affect the flight characteristics of the plane;</p> <p style="padding-left: 40px;">b. Flights for test performance of plane under adverse conditions such as in low altitude or severe weather conditions, maximum load limits, or overload;</p> <p style="padding-left: 40px;">c. Test missions for the collection of measurement data where two or more aircraft are involved and flight procedures require formation flying and/or rendezvous at various altitudes and aspect angles;</p> <p style="padding-left: 40px;">d. Flights deliberately undertaken in</p>	Nov. 1, 1970

operations; flights in helicopters at low levels involving line inspection, maintenance, erection, or salvage operations;

e. Flights to deliver aircraft which have been prepared for one-time flight without being test flown prior to delivery flight;

f. Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests;

g. Low-level flights in small aircraft including helicopters at altitude of 150 meters (500 feet) and under in daylight and 300 meters (1,000 feet) and under at night when the flights are over mountainous terrain, or in fixed-wing aircraft involving maneuvering at the heights and times specified above, or in helicopters maneuvering and hovering over water at an altitude of less than 150 meters (500 feet);

h. Low-level flights in an aircraft flying at altitudes of 60 meters (200 feet) and under while conducting wildlife surveys and law enforcement activities, animal depredation abatement and making agricultural applications, and conducting or facilitating search and rescue operations; flights in helicopters at low levels involving line inspection, maintenance, erection, or salvage operations.;

i. Flights involving launch or recovery aboard an aircraft carrier;

j. Reduced gravity light testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through 20 meters per second<sup>2</sup> (2 gravity) conditions;

25

2. High Work:

a. Working on any structure of at least 30 meters (100 feet) above the ground, deck, floor or roof, or from the bottom of a tank or pit;

b. Working at a lesser height:

Nov. 1, 1970.

	<p>(1) If the footing is unsure or the structure is unstable; or</p> <p>(2) If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example, working from a swinging stage, boatswain chair, a similar support); or</p> <p>(3) If adverse conditions such as darkness, steady rain, high wind, icing, lightning or similar environmental factors render working at such height(s) hazardous.</p>	
5	3. Floating targets. Servicing equipment on board a target ship or barge in which the employee is required to board or leave the target vessel by small boat or helicopter	Nov. 1, 1970
4	<p>4. Dirty work. Performing work which subjects the employee to soil of body or clothing:</p> <p>a. Beyond that normally to be expected in performing the duties of the classification; and</p> <p>b. Where the condition is not adequately alleviated by the mechanical equipment or protective devices being used, or which are readily available, or when such devices are not feasible for use due to health considerations (excessive temperature, asthmatic conditions, etc); or</p> <p>c. When the use of mechanical equipment, or protective devices, or protective clothing results in an unusual degree of discomfort.</p>	Nov. 1, 1970
4	<p>5. Cold work.</p> <p>a. Working in cold storage or other climate-controlled areas where the employee is subjected to temperatures at or below freezing (0 degrees Celsius (32 degrees Fahrenheit))</p> <p>b. Working in cold storage or other climate controlled areas where the employee is subjected to temperatures at or below freezing (0 degrees Celsius (32 degrees Fahrenheit)) where such exposure is not practically eliminated by the mechanical equipment or protective devices being used.</p>	<p>Nov 1, 1970</p> <p>Mar. 13, 1977</p>

4	<p>6. Hot work.</p> <p>a. Working in confined spaces wherein the employee is subjected to temperatures in excess of 43 degrees Selsius (110 degrees Fahrenheit)</p> <p>b. Working in confined spaces wherein the employee is subjected to temperatures in excess of 43 degrees Selsius (110 degrees Fahrenheit) where such exposure is not practically eliminated by the mechanical equipment or protective devices being used.</p>	Nov 1, 1970
		Mar. 13, 1977
4	<p>7. Welding preheated metals. Welding various metals or performing an integral part of the welding process when the employee must work in confined spaces in which large sections of metal have been preheated to 66 degrees Celsius (150 degrees Fahrenheit) or more, and the discomfort is not alleviated by protective devices or other means, or discomforting protective equipment must be worn</p>	Nov. 1, 1970
4	<p>8. Micro-soldering or wire welding and assembly. Working with binocular-type microscopes under conditions which severely restrict the movement of the employee and impose a strain on the eyes, in the soldering or wire welding and assembly of miniature electronic components.</p>	Nov. 1, 1970
25	<p>9. Exposure to hazardous weather or terrain. Exposure to dangerous conditions of terrain, temperature and/or wind velocity, while working or traveling when such exposure introduces risk of significant injury or death to employees; such as the following: Examples: —Working on cliffs, narrow ledges, or steep mountainous slopes, with or without mechanical work equipment, where a loss of footing would result in serious injury or death. —Working in areas where there is a danger of rockfalls or avalanches. —Traveling in the secondary or unimproved roads to isolated mountaintop installations at night, or under adverse weather conditions (snow, rain, or fog) which limits visibility to less than 30 meters (100</p>	July 1, 1972

feet), when there is danger of rock, mud, or snow-slides.

—Traveling in the wintertime, either on foot or by vehicle, over secondary or unimproved roads or snowtrails, in sparsely settled or isolated areas to isolated installations when there is danger of avalanches, or during “whiteout” phenomenon which limits visibility to less than 3 meters (10 feet)

—Working or traveling in sparsely settled or isolated areas with exposure to temperatures and/or wind velocity shown to be of considerable or very great danger on the windchill chart (Exhibit 1 of this appendix), and shelter (other than temporary shelter) or assistance is not readily available

—Snowplowing or snow and ice removal on primary, secondary or other class of roads, when (a) there is danger of avalanche or (b) there is danger of missing the road and falling down steep mountainous slopes, because of lack of snow-stakes, “whiteout” conditions, or sloping icepack covering the snow

25

10. Unshored work. Working in excavation areas before the installation of proper shoring or other securing barriers, or in catastrophe areas, where there is a possibility of cave-in, building collapse or falling debris when such exposures introduce risk of significant injury or death to employees, such as the following:

Examples:

—Working adjacent to the walls of an unshored excavation at depths greater than 1.8 meters (6 feet) (except when the full depth of the excavation is in stable solid rock, hard slag, or hard shale, or the walls have been graded to the angle of repose; that is, where the danger of slides is practically eliminated), when work is performed at a distance from the wall which is less than the height of the wall

—Working within or immediately adjacent to a building or structure which has been severely damaged by earthquake, fire, tornado or similar cause

—Working underground in the construction and/or inspection of tunnels and shafts before the necessary lining of the passageway have been

July 1, 1972

	<p>installed</p> <p>—Duty underground in abandoned mines where lining of tunnels or shafts is in a deteriorated condition</p>	
15	<p>11. Ground work beneath hovering helicopter helicopter. Participating in operation to attach or detach external load to helicopter hovering just overhead</p>	July 1, 1972
15	<p>12. Hazardous boarding or leaving of surface craft, surface craft. Boarding or leaving vessels or transferring equipment to or from a surface craft under adverse conditions of foul weather, ice, or night when sea state is high (0.9 meter (3 feet) and above), and deck conditions and/or wind velocity in relation to the size of the craft introduce unusual risks to employees</p> <p>Examples:</p> <p>—Boarding or leaving vessels at sea.</p> <p>—Boarding or leaving, or transferring equipment between small boats or rafts and steep, rocky, or coral-surrounded shorelines</p> <p>—Transferring equipment between a small boat and a rudimentary dock by improvised or temporary facility such as an unfastened plank leading from boat to dock</p> <p>—Boarding or leaving, or transferring equipment from or to ice covered floats, rafts, or similar structures when there is danger of capsizing due to the added weight of the ice</p>	July 1, 1972
8	<p>13. Cargo handling during lightering operations. Off-lading of cargo and supplies from surface ships to Landing Craft-Medium (LCM) boats when swells or wave action are sufficiently severe as to cause sudden listing or pitching of the deck surface or shifting or falling of equipment, cargo, or supplies which could subject the employee to falls, crushing, ejection into the water or injury by swinging cargo hooks</p>	July 1, 1972
15	<p>14. Duty aboard surface craft. Duty aboard a surface craft when the deck conditions or sea state and wind velocity in relation to the size of the craft</p>	July 30, 1972



introduces the risk of significant injury or death to employees, such as the following:

—Participating as a member of a water search and rescue team in adverse weather conditions when winds are blowing at 56 km/h (35 m.p.h.) (classified as gale winds) or in water search and rescue operations at night

—Participating as a member of a weather projects team when work is performed under adverse weather conditions, when winds are blowing at 56 km/h (35 m.p.h.), and/ or when seas are in excess of 4.3 meters (14 feet), or when working on outside decks when decks are slick and icy when swells are in excess of 0.9 meter (3 feet)

—When embarking, disembarking or traveling in a small craft (boat) on Lake Ponchartrain when wind direction is from north northeast or northwest, and wind velocity is over 7.7 meters per second (15 knots); or when travel on Lake Ponchartrain is necessary in small craft, without radar equipment, due to emergency or unavoidable conditions and the trip is made in dense fog run procedures

—Participating in deep research vessel sea duty wherein the team member is engaged in handling equipment on or over the side of the vessel when the sea state is high (6.2 meter-per-second (12-knot) winds and 0.9 meter (3-foot) waves) and the work is done on relatively unprotected deck areas

—Transferring from a ship to another ship via a chair harness hanging from a highline between the ships when both vessels are under way

—Duty performed on floating platforms, camels, or rafts, using tools equipment or materials associated with ship repair or construction activities, where swells or wave action are sufficiently severe to cause sudden listing or pitching of the deck surface or dislodgement of equipment which could subject the employee to falls, crushing, or ejection into the water

50

15. Work at extreme heights. Working at heights 30 meters (100 feet) or more above the ground, deck, floor or roof, or from the bottom of a tank or pit on such open structures as towers, girders, smoke-stacks and similar structures:

Oct. 22, 1972

	<p>(1)If the footing is unsure or the structure is unstable; or</p> <p>(2)If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example, working from a swinging stage, boatswain chair, or a similar support); or</p> <p>(3) If adverse conditions such as darkness, steady rain, high wind, icing, lightning, or similar environmental factors render working at such height(s) hazardous</p>	
6	16. Fibrous Glass Work. Working with or in close proximity to fibrous glass material which results in exposure of the skin, eyes or respiratory system to irritating fibrous glass particles or slivers where exposure is not practically eliminated by the mechanical equipment or protective devices being used.	Feb. 28, 1975
50	17. High Voltage Electrical Energy. Working on energized electrical lines rated at 4,160 volts or more which are suspended from utility poles or towers, when adverse weather conditions such as steady rain, high winds, icing, lightning, or similar environmental factors make the work unusually hazardous.	Apr. 11, 1977
6	18. Welding, Cutting or Burning in Confined Spaces. Welding, cutting, or burning within a confined space which necessitates working in a horizontal or nearly horizontal position, under conditions requiring egress of at least 4.3 meters (14 feet) over and through obstructions including: (1) access openings and baffles having dimensions which greatly restrict movements, and (2) irregular inner surfaces of the structure or structure components.	Jan. 18, 1978

## PART II.—PAYMENT ON BASIS OF HOURS IN PAY STATUS

Differential rate (percent)	Category for which payable	Effective date
50	1. Duty aboard submerged vessel. Duty aboard a submarine or other vessel such as a deep-research vehicle while submerged.	Nov. 1, 1970
8	<p>2. Explosives and incendiary material—high degree degree hazard. Working with or in close proximity to explosives and incendiary material which involves potential personal injury such as permanent or temporary, partial or complete loss of sight or hearing, partial or complete loss of any or all extremities; other partial or total disabilities of equal severity; and/or loss of life resulting from work situations wherein protective devices and/or safety measures either do not exist or have been developed but have not practically eliminated the potential for such personal injury. Normally, such work situations would result in extensive property damage requiring complete replacement of equipment and rebuilding of the damaged area; and could result in personal injury to adjacent employees</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>—Working with, or in close proximity to operations involved in research, in testing, manufacturing, inspection, renovation, maintenance and disposal, such as: <ul style="list-style-type: none"> <li>—Screening, blending, drying, mixing, and pressing of sensitive explosives and pyrotechnic compositions such as lead azide, black powder and photoflash powder</li> <li>—Manufacture and distribution of raw nitro-glycerine</li> <li>—Nitration, neutralization, crystallization, purification, screening and drying of high explosives</li> <li>—Manufacture of propellants, high explosives and incendiary materials</li> <li>—Melting, cast loading, pellet loading, drilling, and thread cleaning of high explosives</li> <li>—Manufacture of primary or initiating</li> </ul> </li> </ul>	Nov. 1, 1970

	<p>explosives such as lead azide</p> <ul style="list-style-type: none"> <li>—Manufacture of primer or detonator mix</li> <li>—Loading and assembling high-energy output flare pellets</li> </ul> <p>—All dry-house activities involving propellants or explosives</p> <p>—Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive explosives and incendiary materials</p> <p>—All operations involving fire fighting on an artillery range or at an ammunition manufacturing plant or storage area, including heavy duty equipment operators, truck drivers, etc.</p> <p>—All operations involving regrading and cleaning of artillery ranges</p> <p>—At-sea shock and vibration tests. Arming explosive charges and/or working with, or in close proximity to, explosive-armed charges in connection with at-sea shock and vibration tests of naval vessels, machinery, equipment and supplies</p> <p>—Handling or engaging in destruction operations on an armed (or potentially armed) warhead</p>	
4	<p>3. Explosives and incendiary material—low degree hazard.</p> <p>a. Working with or in close proximity to explosives and incendiary material which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation and possible adjacent employees; minor irritation of the skin; minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used</p> <p>b. Working with or in close proximity to explosives and incendiary material which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation and possible adjacent employees; minor irritation of the skin; minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used and wherein protective device and/or safety measures have not practically eliminated the potential for such injury</p> <p>Examples</p> <ul style="list-style-type: none"> <li>—All operations involving loading, unloading, storage</li> </ul>	<p>Nov. 1, 1970</p> <p>Mar. 13, 1977</p>

and hauling of explosive and incendiary ordnance material other than small arms ammunition.  
 (Distribution of raw nitroglycerine is covered under high degree hazard—see category 2 above.)  
 —Duties such as weighing, scooping, consolidating and crimping operations incident to the manufacture of stab, percussion, and low energy electric detonators (initiators) utilizing sensitive primary explosives compositions where initiation would be kept to a low order of propagation due to the limited amounts permitted to be present or handled during the operations  
 —Load, assembly and packing of primers, fuses, propellant charges, lead cups, boosters, and time-train rings  
 —Weighing, scooping, loading in bags and sewing of ignitor charges and propellant zone charges  
 —Loading, assembly, and packing of hand-held signals, smoke signals, and colored marker signals  
 —Proof-testing weapons with a known overload of powder or charges  
 —Arming/disarming or the installation/removal of any squib, explosive device, or component thereof, connected to or part of a solid propulsion system, including work situations involving removal, inspection, test and installation of aerospace vehicle egress and jettison systems and other cartridge actuated devices and rocket assisted systems or components thereof, when accidental or inadvertent operation of the system or a component might occur

8

4. Poisons (toxic chemicals)—high degree hazard.  
 Working with or in close proximity to poisons (toxic chemicals), other than tear gas or similar irritants, which involves potential serious personal injury such as permanent or temporary, partial or complete loss of faculties and/or loss of life including exposure of an unusual degree to toxic chemicals, dust, or fumes of equal toxicity generated in work situations by processes required to perform work assignments wherein protective devices and/or safety measures have been developed but have not practically eliminated the potential for such personal injury  
 Examples:

Nov. 1, 1970

	<ul style="list-style-type: none"> <li>—Handling and storing toxic chemical agents including monitoring of areas to detect presence of vapor or liquid chemical agents; examining of material for signs of leakage or deteriorated material; decontaminating equipment and work sites; work relating to disposal of deteriorated material (exposure to conjunctivitis, pulmonary edema, blood infection, impairment of the nervous system, possible death)</li> <li>—Renovation, maintenance, and modification of toxic chemicals, guided missiles, and selected munitions</li> <li>—Operating various types of chemical engineering equipment in a restricted area such as reactors, filters, stripping units, fractioning columns, blenders, mixers, pumps, and the like utilized in the development, manufacturing, and processing of toxic or experimental chemical warfare agents</li> <li>—Demilitarizing and neutralizing toxic chemical munitions and chemical agents</li> <li>—Handling or working with toxic chemicals in restricted areas during production operations</li> <li>—Preparing analytical reagents, carrying out colorimetric and photometric techniques, injecting laboratory animals with compounds having toxic, incapacitating or other effects</li> <li>—Recording analytical and biological tests results where subject to above types of exposure</li> <li>—Visually examining chemical agents to determine conditions or detect leaks in storage containers</li> <li>—Transferring chemical agents between containers</li> <li>—Salvaging and disposing of chemical agents</li> </ul>	
4	<p>5. Poisons (toxic chemicals)—low egress hazard.</p> <p style="padding-left: 40px;">a. Working with or in close proximity to poisons (toxic chemicals other than tear gas or similar irritating substances) in situations for which the nature of the work does not require the individual to be in as direct contact with, or exposure to, the more toxic agents as in the case with the work described under high hazard for this class of hazardous agents</p> <p style="padding-left: 40px;">b. Working with or in close proximity to poisons (toxic chemicals other than tear gas or similar irritating substances) in situations for which</p>	<p>Nov. 1, 1970</p> <p>Mar. 13, 1977</p>

	<p>the nature of the work does not require the individual to be in as direct contact with, or exposure to, the more toxic agents as in the case with the work described under high hazard for this class of hazardous agents and wherein protective devices and/or safety measures have not practically eliminated the potential for personal injury</p> <p>Example:</p> <p>—Handling for shipping, marking, labeling, hauling and storing loaded containers of toxic chemical agents that have been monitored.</p>	
8	<p>6. Micro-organisms—high degree hazard.</p> <p>Working with or in close proximity to micro-organisms which involves potential personal injury such as death, or temporary, partial, or complete loss of faculties or ability to work due to acute, prolonged, or chronic disease. These are work situations wherein the use of safety devices and equipment, medical prophylactic procedures such as vaccines and antiserims and other safety measures do not exist or have been developed but have not practically eliminated the potential for such personal injury</p> <p>Examples:</p> <p>—Direct contact with primary containers of organisms pathogenic for man such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material. Operating or maintaining equipment in biological experimentation or production</p> <p>—Cultivating virulent organisms on artificial media, including embryonated hen's eggs and tissue cultures where inoculation or harvesting of living organisms is involved for production of vaccines, toxides, etc., or for sources of material for research investigations such as antigenic analysis and chemical analysis</p>	Nov. 1, 1970
4	<p>7. Micro-organisms—low degree hazard.</p> <p>a. Working with or in close proximity to micro-organisms in situations for which the nature of the work does not require the individual to be in direct contact with primary containers of organisms pathogenic for man, such as culture flasks, culture</p>	Nov. 1, 1970



	test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material b. Working with or in close proximity to micro-organisms in situations for which the nature of the work does not require the individual to be in direct contact with primary containers of organisms pathogenic for man, such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material and wherein the use of safety devices and equipment and other safety measures have not practically eliminated the potential for personal injury	Mar. 13, 1977
8	8. Pressure chamber and centrifugal stress. Exposure in pressure chamber which subjects employee to physical stresses or where there is potential danger to participants by reason of equipment failure or reaction to the test conditions; or exposure which subjects an employee to a high degree of centrifugal force which causes an unusual degree of discomfort Examples: —Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mock up components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are susceptible to explosive ruptures —Participating in altitude chamber studies ranging from 5500 to 45,700 meters (18,000 to 150,000 feet) either as subject or as observer exposed to the same conditions as the subject —Participating as subject in centrifuge studies involving elevated G forces above the level of 49 meters per second <sup>2</sup> (5 G's) whether or not at reduced atmospheric pressure —Participating as a subject in a rotational flight simulator in studies involving continuous rotation in one axis through 360 at rotation rates greater than 15 r.p.m. for periods exceeding three minutes	July 1, 1972
8	9. Work in fuel storage tanks. When inspecting,	July 1, 1972



	cleaning or repairing fuel storage tanks where there is not ready access to an exit, under conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank	
	10. Firefighting. Participating or assisting in fire-fighting operations on the immediate fire scene and in direct exposure to the hazards inherent in containing or extinguishing fires	July 1, 1972
25	High degree —Fighting forest and range fires on the fireline	
8	Low degree —All other firefighting	
8	11. Experimental landing/recovery equipment tests —Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks	July 1, 1972
8	12. Land impact or pad abort of space vehicle. Actual participation in dearming and safing explosive ordnance, toxic propellant, and high-pressure vessels on vehicles that have land impacted or on vehicles on the launch pad that have reached a point in the countdown where no remote means are available for returning the vehicle to a safe condition	July 1, 1972
4	13. Mass explosives and/or incendiary material. Working within a controlled danger area in, on, or around wharves, transfer areas, or temporary holding areas in a transshipment facility when explosives are in the process of being shifted to or from a conveyance. Such an area shall include land and sea areas within which it has been determined that personnel are subject to an unusual degree of exposure or liability to serious injury or death from potential explosive effect. A transshipment facility for this purpose is a port or sea terminal established for the marshaling or	July 1, 1972

	temporary assembly of explosives prior to shipment where amounts in excess of 113,400 kilograms (250,000 pounds) net explosive weight (NEW) are present on a regular or recurring basis	
4	<p>14. Duty aboard aircraft carrier. Duty aboard an aircraft carrier when exposed to hazards connected with aircraft launch and recovery:</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>—Participating in carrier suitability trials aboard aircraft carriers when work is performed on the flight deck during launch, recovery and refueling operations</li> <li>—Operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations</li> </ul>	<p>July 1, 1972</p>       <p>Mar. 4, 1974</p>
8	<p>15. Participating in missile liquid propulsion or solid propulsion situations. Participating in research and development, or preoperational test and evaluation situation involving missile liquid or solid propulsion systems where mechanical, or other equipment malfunction, or accidental combination of certain fuels and/or chemicals, or transient voltage and current buildup on or within the system when the system is in a “go” condition on the test stand, or sled, can result in explosion, fire, premature ignition or firing</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>—Test stand or track tests, when adequate protective devices and/or safety measures either do not exist or have been developed but have not practically eliminated the potential for personal injury, under any of the following conditions:             <ul style="list-style-type: none"> <li>a. Tanks are being pressurized above normal servicing pressure</li> <li>b. Assembly, disassembly, or repair of contaminated plumbing containing inhibited red fuming nitric acid and unsymmetrical dimethylhydrazine or other hypergolic fuels is required</li> <li>c. Fueling and defueling</li> </ul> </li> <li>—Hoisting hypergolic liquid fueled systems into, or out of, a test stand, where the working area is</li> </ul>	

confined, and external plumbing is present resulting in a situation where the plumbing may be damaged causing a leak

—Tests on foreign missiles where technical data is questionable or not available

—Manned test firings of small, close support missiles for which safety performance data are not yet available

—Removal of a missile, propulsion system or component thereof from a test stand, fixture, or environmental chamber where there is reason to believe that the item may be unusually hazardous due to damage resulting from the test

8

16. Asbestos. Working in an area where airborne concentrations of asbestos fibers may expose employees to potential illness or injury and protective devices or safety measures have not practically eliminated the potential for such personal illness or injury

Mar. 9, 1975

Enclosure 4

CERTIFICATION OF AUTHORIZATION FOR ENVIRONMENTAL DIFFERENTIAL PAY					
NAME		SSAN		UNIT AND LOCATION	
<p>I CERTIFY BELOW THAT THIS EMPLOYEE WAS EXPOSED TO THE FOLLOWING HAZARD, PHYSICAL HARDSHIP, OR WORKING CONDITIONS CATEGORY(IES) FOR THE DURATION INDICATED, INCIDENTAL TO PERFORMING HIS ASSIGNED DUTIES AND IS, THEREFORE, AUTHORIZED ENVIRONMENTAL DIFFERENTIAL PAY IN ACCORDANCE WITH SUBCHAPTER S8-7 AND APPENDIX J OF FPM SUPPLEMENT 532-1</p>					
CAT EXPO	DATE	FROM	TO	TOTAL HRS	SIGNATURE AND TITLE OF AUTHORIZED OFFICER
W-1-F	16AUG99	0800	0915	1.3	
W-1-F	17AUG99	0730	0930	2.0	
W-1-F	18AUG99	0800	1200	4.0	
FOR PAYROLL USE ONLY					
SUMMARY OF ENVIRONMENTAL DIFFERENTIAL PAY HOURS					
<u>CATEGORY</u>			<u>CATEGORY</u>		
RATE	CODE	HOURS	RATE	CODE	HOURS
100%	A	_____	50%	M	_____
25%	B	_____	8%	N	_____
15%	C	_____	4%	O	_____

NGB FORM  
15 JUN 71 104

Standard Form 62 (SF-62) (Revised, Performance PRO)  
Rev. 7/81  
U.S. Office of Personnel Management  
FPM Supp. 298-33, Subch. 3

**REQUEST FOR PERSONNEL ACTION****PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)**

1. Actions Requested

**EDP PAYMENT AUTHORIZATION**

2. Request Number

3. For Additional Information Call (Name and Telephone Number)

**NAME OF CONTACT AND TELEPHONE NUMBER**

4. Proposed Effective Date

5. Action Requested By (Typed Name, Title, Signature, and Request Date)

6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date)

**NAME, TITLE, SIGNATURE OF SUPERVISOR & DATE****NAME, TITLE, SIGNATURE OF AUTHORIZING OFFICIAL & DATE****PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)**

1. Name (Last, First, Middle)

2. Social Security Number

3. Date of Birth

4. Effective Date

**EMPLOYEES NAME**

999-99-9999

**FIRST ACTION****SECOND ACTION**

5-A. Code

5-B. Nature of Action

6-A. Code

6-B. Nature of Action

5-C. Code

5-D. Legal Authority

6-C. Code

6-D. Legal Authority

5-E. Code

5-F. Legal Authority

6-E. Code

6-F. Legal Authority

7. FROM: Position Title and Number

15. TO: Position Title and Number

**POSITION DESCRIPTION TITLE AND NUMBER  
PARA AND LINE (ARMY) OR FUNCTIONAL ACCOUNT  
AND LINE (AIR)**

8. Pay Plan

9. Sec. Code

10. Grade or Level

11. Step or Rate

12. Total Salary

13. Pay Basis

16. Pay Plan

17. Sec. Code

18. Grade or Level

19. Step or Rate

20. Total Salary/Award

21. Pay Basis

12A. Basic Pay

12B. Locality Adj.

12C. Adj. Basic Pay

12D. Other Pay

20A. Basic Pay

20B. Locality Adj.

20C. Adj. Basic Pay

20D. Other Pay

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization

**EMPLOYEE DATA**

23. Veterans Preference

1 - None

3 - 10 Point/Disability

5 - 10 Point/Other

6 - 10 Point/Compensable/30%

24. Tenure

0 - None

2 - Conditional

3 - Indefinite

25. Agency Use

26. Veterans Preference for RIF

YES

NO

27. FEGLI

28. Annuity Indicator

29. Pay Rate Determinant

30. Retirement Plan

31. Service Comp. Date (Leave)

32. Work Schedule

33. Part-Time Hours Per

Biweekly

Pay Period

**POSITION DATA**

34. Position Occupied

1 - Competitive Service

3 - SES General

35. FLSA Category

E - Exempt

N - Nonexempt

36. Appropriation Code

37. Bargaining Unit Status

38. Duty Station Code

39. Duty Station (City-County-State or Overseas Location)

40. Agency Data

41.

42.

43.

44.

45. Education Level

46. Year Degree Attained

47. Academic Discipline

48. Functional Class

49. Citizenship

1 - USA 8 - Other

50. Veterans Status

51. Supervisory Status

**PART C - Reviews and Approvals (Not to be used by requesting office.)**

1. Office/Function

Initials/Signature

Date

Office/Function

Initials/Signature

Date

A.

D.

B.

E.

C.

F.

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature

Approval Date

CONTINUED ON REVERSE SIDE  
52-119

OVER

Editions Prior to 7/81 Are Not Usable After 6/30/93  
N28 7540-01-229-6229

SF 52 (Back) (SF-113) (Outline, Perform PRO)

**PART D - Remarks by Requesting Office**

(Note to Supervisors:

Do you know of additional or conflicting reasons for the employee's resignation/retirement?

If "YES", please state these facts on a separate sheet and attach to SF 52.)

☐ YES☐ NO**GIVE THE INFORMATION PROVIDED ON THE SITUATION SHEET.****(EXAMPLE: WORK IN FUEL STORAGE TANKS - 8%- CATEGORY CODE II-N)****PART E - Employee Resignation/Retirement****Privacy Act Statement**

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled. This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and

agencies to issue regulations with regard to employment individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (Number, Street, City, State, ZIP Code)
-------------------	-------------------	----------------	---

**PART F - Remarks for SF 50**

## ANNEX G

### TECHNICIAN EMPLOYEE ASSISTANCE PROGRAM (EAP)

#### G-1. PURPOSE:

To implement the California National Guard Employee Assistance Program. The Employee Assistance Program is concerned with, but not limited to, alcohol or drug abuse, marital difficulties, financial/legal troubles, parent/child conflicts, stress, anxiety, depression, anger, infirmity of an aging parent, single parent concerns, AIDS and retirement counseling.

#### G-2. BACKGROUND:

a. Federal statutes task the Directorate for Human Resources with responsibility for developing and maintaining, in cooperation with other federal agencies and departments, appropriate prevention, treatment and rehabilitation programs and services for alcoholism, alcohol and drug abuse among federal employees. Policies and services are to make optimal use of existing governmental facilities, services and skills. National Guard Bureau regulations require each state to develop programs.

b. The head of each agency of the Government of the United States may establish, within the limits of appropriations available, a health services program to promote and maintain the physical and mental fitness of employees under his/her jurisdiction.

#### G-3. DEFINITIONS:

a. *Alcohol Abuse* - a treatable health problem in which the employee's work performance is impaired as a direct result of use of alcohol. Alcoholism is a handicapping condition under Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. Section 791), as determined by the Attorney General of the United States (43 op. Atty. Gen No. 12).

b. *Community Resources* - agencies and individual practitioners, accessible to an Employee Counseling Service Program (ECSP) client population, including but not limited to: hospitals and other inpatient treatment facilities, clinics and outpatient treatment facilities, family counseling services, financial counseling services, self-help group for medical behavioral and emotional problems, such as, AA, AL-ATEEN, AL-ANON, etc.

c. *Counseling* - professional services as provided by psychiatrist, psychologist, social workers, or psychiatric nurses; professionals trained to help people explore their feelings, understand themselves better, and decide on appropriate action alternatives.

d. *Employee Counseling Service Counseling* - professional counseling as provided by the Employee Counseling Service staff. Counseling which includes assessment, outside referral, and monitoring, is short-term, crisis-oriented, supportive and/or informative in nature.

e. *Drugs* - includes illegal, legal and over-the-counter drugs other than alcohol, caffeine or tobacco. Illegal drugs refer to those disapproved for use or possession by law or statute. Legal drugs include substances available via prescription or generally over-the-counter. Concern here is for those drugs whose use or misuse may cause serious health, personal, or family problems negatively affecting an individual's job performance.

f. *Drug Abuse* - a treatable health problem in which the employee's work performance is impaired as a direct result of use of those drugs that are mind-altering or psychotropic in effect. Drug abuse is a handicapping condition under Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. Section 791), as determined by the Attorney General of the United States (43 op. Atty. Gen. No. 12).

g. *Emotional/Behavioral Problems* - personal difficulties which impair job performance. Under this category would also come the suffering of an employee due to the alcohol or drug abuse or emotional problems of another person, such as a spouse, a supervisor, or a co-worker.

h. *Employee Assistance Program or Employee Counseling Services Program* - a system to provide professional help for employees whose job performance is adversely affected due to drug-related problems, alcohol-related problems, family problems, emotional problem, or other personal/medical problems. It can be utilized through self-referral, union/co-worker referral, or supervisory intervention.

i. *Monitoring of Employee Progress* - this is an activity performed by Employee Counseling Service Counselor which involves keeping track of the employee's progress in the program on an on-going basis through contracts with the employee, the employee's supervisor, if appropriate, the community resources with which the employee is involved, etc. Such contacts should be made on a periodic basis for extended periods of time. Contact with community resources may be made only with the employee's written authorization.

j. *Other Victim* - This is an individual who does not have an identified problem, but who has a significant other (spouse, child, etc.) in his/her life who has a personal problem that is having a negative impact on the job performance of the individual. For example, an employee who has a family member that is an alcohol or drug abuser is considered to be another victim.



#### **G-4. POLICY:**

a. The California National Guard recognizes that a technician's private life is their own affair. All of us have problems, and most of the time we can cope. Sometimes, however, these problems overwhelm us and affect everything we do. We may need someone who can help us. Personal problems can seriously impair your ability to work effectively. When that is the case, the Employee Assistance Program is designed to help you regain control and be an effective technician again. When the Employee Assistance Program helps a technician solve their problems, both the technician and the organization benefit. For that reason, the California National Guard has instituted the Employee Assistance Program.

b. The Employee Assistance Program is confidential. The technician's right to privacy is fully protected by law. Everything discussed in counseling sessions is completely confidential. No information is entered in a technician's personnel record. No information about the personal problem is shared with the organization without written authorization from the technician with the problem. The California National Guard has no access to any clinical record of Green Springs Health Services, Inc. The relationship of Green Springs Health Services, Inc. to the California National Guard is for the Employee Assistance Program only. The California National Guard does not participate in any way in the management nor the clinical operation of Green Springs Health Services, Inc.

#### **G-5. PROGRAM RESPONSIBILITY:**

a. The Employee Assistance Program is a voluntarily program. A technician may contact the Employee Assistance Program confidentially. The California National Guard will not know of the technicians participation in counseling. If the supervisor feels a technician is having personal or drug and alcohol problems that are interfering with their work performance, they may refer the technician to the Employee Assistance Program. It is still the technician's choice to participate in the counseling. If the technician denies participating in counseling, the employer should document the technician's work performance and not focus on the problem. If the technician enters into counseling after an employers referral, the technician may permit the Employee Assistance Program to inform their supervisor they have entered into counseling. No other information is divulged.

b. The Employee Assistance Program provides professional consultation to help a technician identify and evaluate their real problem, discuss possible solutions, and refer the technician to a community agency that can best solve the situation.

c. The Employee Assistance Program is free for all California National Guard technicians and their family. The California National Guard pays the full cost for three sessions per fiscal year for technicians and for their significant family members. If a technician needs additional counseling, they will be referred to their Health Maintenance Organization.

d. The Employee Assistance Program is there for technician use. Technicians should not wait until problems take over their life. We turn to professionals, such as, doctors, dentists, and lawyers, when we need them. If problems are negatively affecting a technician's life, take advantage of this program. The California National Guard cares enough about its technicians to provide this benefit.

#### **G-6. PROGRAM DIRECTION:**

a. The State Equal Employment Manager (SEEM), has been appointed by the Office of The Adjutant General as the Employee Assistance Program Coordinator for the California National Guard. The SEEM will perform this function as an additional duty and is responsible for the effective implementation of the program for the Directorate for Human Resources.

b. Call (800) 523-5668 and speak confidentially with someone who is trained to provide assistance to supervisors, technicians and their families.

c. The Employee Assistance Program is administered by Green Springs Health Services, Inc., located at 1501 Market Street, Tacoma, WA 98411-0268. Green Springs Health Services, Inc. is a professional counseling agency. Each technician is assured high quality, professional service in complete confidence. Appointments can be scheduled near the technician's home or workplace. Green Springs Health Services, Inc. has a network of Service Providers located throughout California.

d. For additional information concerning the Employee Assistance Program, please contact the State Equal Employment Manager (SEEM) located at the State Military Headquarters, Office of the Adjutant General, 9800 Goethe Road, Post Office Box 269101, Sacramento, CA 95826-9101, at Commercial 916-854-3646 or DSN 466-3646.

## ANNEX H

### CLASSIFICATION APPEALS

#### H-1. PURPOSE:

This annex is to establish procedures by which a technician may appeal a classification of the position occupied. A classification appeal is processed separately from any other appeal.

#### H-2. GENERAL:

A classification appeal is a written petition made by a technician for a change in the classification of their position.

a. A technician may appeal only the grade, title, series, or coverage of their position under Federal Wage System or the General Schedule of the position occupied.

b. A technician may not appeal a dispute with the supervisor concerning the description of “Duties and Responsibilities”, or the contention that the classification of a technician’s position is inconsistent with that of another position, or a classification assigned by the Office of Personnel Management.

#### H-3. SUPERVISORY RESPONSIBILITIES:

a. Advise the technicians of their rights to appeal the classification of their position, with assistance from the Directorate for Human Resources.

b. Resolve questions as to adequacy and accuracy of duties and responsibilities in a technician’s official position description.

c. Promptly inform the Directorate for Human Resources of any significant changes in duties and responsibilities of an appealed position.

d. Process the appeal promptly.

#### H-4. WHEN AN APPEAL MAY BE MADE:

A technician may file an appeal at any time for any of the reasons listed in paragraph H-2(1). However, when the appeal is initiated in response to a proposed action to change the classification of the position to which an individual has been assigned, the technician must be officially notified before the appeal rights can be exercised. Official notification occurs when:

a. The technician receives a written notice of the local decision concerning the classification of his/her position; or,

b. The technician receives an SF 50, (Notification of Personnel Action).

#### **H-5. WHERE TO FILE AN APPEAL:**

a. Federal Wage System technicians must appeal through command channels, to the Directorate for Human Resources, NGB-HR-Western Classification Division (NGB-HR-WCD), and National Guard Bureau-Human Resources (NGB-HR) prior to appealing to the Office of Personnel Management.

b. General Schedule (GS) technicians may appeal to the Directorate for Human Resources, NGB-HR-WCD, or NGB prior to appealing directly to the Office of Personnel Management. GS technicians are urged to file appeals through command channels to the Directorate for Human Resources, NGB-HR-WCD and NGB-HR. It should be noted that the decision of the Office of Personnel Management is final. If the appeal is first sent to the Office of Personnel Management the appellant has no further appeal rights.

#### **H-6. FILING THE APPEAL:**

a. A technician is encouraged to consult with his supervisor and the Directorate for Human Resources for advice and assistance on the procedural aspects of preparing an appeal. The appellant may examine those unclassified official records pertinent to the case. The appellant may designate a representative to assist in preparing the written appeal.

b. *The Technician Must Furnish:*

(1) Appellant's name, mailing address, location of appellant's official headquarters. The appellant must also furnish an organizational chart showing how he fits into the organizational structure.

(2) The present or proposed title, series, grade, salary and position number of the position officially assigned to.

(3) The title, series, grade, or pay plan that is considered proper.

(4) Reasons why the present classification is considered incorrect and justification for the classification considered correct.

(5) A statement showing that the appellant considers the duties and responsibilities of the official position description being appealed to be a complete and accurate description will be entered as follows:

*“The undersigned hereby certifies that the foregoing is an accurate and complete description of this position.”*

The certificate is signed and dated by both the technician and the supervisor.

#### **H-7. APPEAL ACTIONS - THE DIRECTORATE FOR HUMAN RESOURCES WILL:**

- a. Determine whether the appeal meets the requirements of a classification appeal.
- b. Assure there is a mutual agreement between the technician and the supervisor regarding the statement of duties and responsibilities recorded on the official position description.
- c. Include any comments and/or recommendations and forwards the appeal and all substantiating documents to the NGB-HR-WCD.

#### **H-8. CLOSING THE APPEAL:**

An appeal through the National Guard channels is considered closed when any of the following occur:

- a. The appellate level has rendered a decision on a classification appeal and personnel action has been taken to affect correction, if necessary.
- b. The technician submits a written request for cancellation of the appeal to the Directorate for Human Resources.
- c. Movement of the technician from the position being appealed, except when the appeal is the result of a classification action that resulted in the technician suffering a loss of grade or compensation.